

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

THE UNITED STATES OF AMERICA] CASE NO. 4:12CR16

VS.] 9 AM, DECEMBER 12, 2012

RENE CORTEZ SALAZAR, ET AL] PLANO, TEXAS

REPORTER'S TRANSCRIPT OF JURY TRIAL

VOLUME 7 OF 7, PAGES 1627 THROUGH 1804

TABLE OF CONTENTS, PAGE 1774

CONCORDANCE, PAGE 1775

THE HONORABLE RICHARD A. SCHELL, U.S. DISTRICT JUDGE, PRESIDING

PROCEEDINGS REPORTED IN REALTIME USING COMPUTERIZED STENOTYPE,
TRANSCRIPT PRODUCED USING COMPUTER-AIDED TRANSCRIPTION.

1628

1 [COURT REPORTER'S NOTES 20121212, 9 AM, WEDNESDAY,
2 DECEMBER 12, 2012, PLANO, TEXAS, U.S. DISTRICT JUDGE RICHARD A.
3 SCHELL PRESIDING]

4 APPEARANCES:

5 FOR THE GOVERNMENT: ERNEST GONZALEZ
6 TRACEY BATSON
7 ASSISTANT U.S. ATTORNEYS
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12 FOR THE DEFENDANT RENE CORTEZ SALAZAR:

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14 ATTORNEY AT LAW
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18 FOR THE DEFENDANT TIMOTHY LEDON BOWEN:

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20 ATTORNEY AT LAW
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25

1629

1 FOR THE DEFENDANT JUAN CARLOS VEGA:

2 JOEL KEITH PETRAZIO

3 ATTORNEY AT LAW

4 5700 GRANITE PARKWAY, SUITE 200

5 PLANO, TEXAS 75024

6 972-965-1016

09:10AM

09:10AM

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8
9 THE COURT: THANK YOU. YOU MAY BE SEATED.

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10
11 OKAY. COUNSEL SHOULD HAVE COPIES OF THE FINAL DRAFT
12 OF THE COURT'S JURY INSTRUCTIONS. LET ME JUST TELL YOU THAT I
13 MADE THE CHANGE THAT MR. GONZALEZ REQUESTED ON THE VERDICT FORM
14 AND I TOOK OUT THE INSTRUCTION ON MULTIPLE CONSPIRACIES.

15 SO, TO THE FINAL DRAFT OF THE JURY INSTRUCTIONS,
16 ARE THERE ANY OBJECTIONS BY THE GOVERNMENT?

17 MR. GONZALEZ: NO OBJECTIONS, YOUR HONOR.

18 THE COURT: ALL RIGHT.

19 AND ARE THERE OBJECTIONS BY THE DEFENDANTS?

20 MR. KEMP: NO OBJECTIONS AS TO MR. SALAZAR, YOUR
21 HONOR.

22 MR. WHALEN: YES, YOUR HONOR. ON BEHALF OF
23 MR. BOWEN, WE WOULD OBJECT TO THE JURY INSTRUCTION FOR FAILING
24 TO INCLUDE THE MULTIPLE-CONSPIRACIES INSTRUCTION AND THE
25 BUYER-SELLER INSTRUCTION, FOR THE RECORD.

09:11AM 1 THE COURT: OKAY.

09:11AM 2 MR. PETRAZIO: SAME OBJECTION WITH RESPECT TO
09:11AM 3 FAILURE TO INCLUDE THE MULTIPLE-CONSPIRACY INSTRUCTION FOR
09:11AM 4 MR. JUAN CARLOS VEGA.

09:11AM 5 THE COURT: OKAY.

09:12AM 6 MR. KEMP: YOUR HONOR, EXCUSE ME FOR INTERRUPTING.
09:12AM 7 AS FAR AS MR. SALAZAR GOES, I DO THINK THAT WE WOULD ACTUALLY
09:12AM 8 LODGE A FORMAL OBJECTION TO THE MULTIPLE CONSPIRACIES--FAILURE
09:12AM 9 TO INCLUDE MULTIPLE CONSPIRACIES IN THE JURY INSTRUCTIONS.

09:12AM 10 THE COURT: OKAY. I'M JUST MAKING A NOTE HERE.

09:12AM 11 AS FAR AS TIME FOR ARGUMENTS, HOW MUCH TIME DO YOU
09:12AM 12 WANT FOR ARGUMENTS, MR. GONZALEZ OR MS. BATSON?

09:12AM 13 MS. BATSON: YOUR HONOR, I BELIEVE YESTERDAY WE
09:12AM 14 AGREED ON ABOUT AN HOUR AND 45 MINUTES TOTAL FOR OUR SIDE
09:13AM 15 AND AN HOUR AND 45 MINUTES FOR THE DEFENSE.

09:13AM 16 THE COURT: OKAY. SO YOU AND MR. GONZALEZ WILL USE
09:13AM 17 AN HOUR AND 45 MINUTES?

09:13AM 18 MS. BATSON: WE WILL SPLIT AN HOUR AND 45 MINUTES,
09:13AM 19 YES, YOUR HONOR.

09:13AM 20 THE COURT: OKAY. WHO IS GOING TO OPEN?

09:13AM 21 MS. BATSON: I WILL, YOUR HONOR.

09:13AM 22 THE COURT: OKAY. HOW MUCH TIME DO YOU WANT TO USE
09:13AM 23 IN YOUR OPENING? OR ARE YOU JUST GOING TO TAKE CARE OF THAT
09:13AM 24 YOURSELF?

09:13AM 25 MS. BATSON: YOUR HONOR, I THINK IF I COULD USE

09:13AM 1 ABOUT AN HOUR AND 20 MINUTES WITH A TWO-MINUTE WARNING.

09:13AM 2 AND IF I GO OVER THAT, WE'LL LEAVE THE REST OF THE TIME

09:13AM 3 FOR MR. GONZALEZ.

09:13AM 4 THE COURT: OKAY.

09:13AM 5 MS. BATSON: THANK YOU. I'LL TRY GET IT IN WITHIN

09:13AM 6 AN HOUR AND 20 MINUTES.

09:13AM 7 THE COURT: ABOUT A TWO-MINUTE WARNING, DID YOU SAY?

09:13AM 8 MS. BATSON: PLEASE.

09:13AM 9 THE COURT: OKAY. SO THAT WILL LEAVE MR. GONZALEZ

09:13AM 10 25 MINUTES?

09:13AM 11 MS. BATSON: YES, YOUR HONOR.

09:14AM 12 THE COURT: OKAY.

09:14AM 13 MR. KEMP?

09:14AM 14 MR. KEMP: YOUR HONOR, I'LL BE GOING FIRST. I

09:14AM 15 ANTICIPATE USING APPROXIMATELY 30 MINUTES AND WOULD ALSO

09:14AM 16 APPRECIATE A TWO-MINUTE WARNING, IF POSSIBLE.

09:14AM 17 THE COURT: OKAY.

09:14AM 18 MR. WHALEN?

09:14AM 19 MR. WHALEN: I'D REQUEST 45 MINUTES, WITH A FIVE-

09:14AM 20 MINUTE WARNING.

09:14AM 21 THE COURT: OKAY.

09:14AM 22 AND MR. PETRAZIO?

09:14AM 23 MR. PETRAZIO: YOUR HONOR, I WOULD REQUEST 30

09:14AM 24 MINUTES, WITH A FIVE-MINUTE WARNING.

09:14AM 25 THE COURT: OKAY.

1632

09:14AM 1 I THINK WE'RE READY, THEN. LET'S BRING IN THE JURY.

09:14AM 2 COURT SECURITY OFFICER: ALL RISE FOR THE JURY,

09:14AM 3 PLEASE.

09:15AM 4 [OPEN COURT, DEFENDANTS AND JURY PRESENT]

09:15AM 5 THE COURT: ALL RIGHT. BE SEATED, PLEASE.

09:15AM 6 LADIES AND GENTLEMEN, YOU WILL FIND IN YOUR CHAIRS

09:15AM 7 A COPY OF THE COURT'S JURY INSTRUCTIONS. I'M REQUIRED TO READ

09:15AM 8 THESE INSTRUCTIONS TO YOU, AND THEN YOU WILL HEAR THE FINAL

09:16AM 9 ARGUMENTS OF THE LAWYERS.

09:16AM 10 AFTER WE GO OVER THE JURY INSTRUCTIONS, BECAUSE THE
09:16AM 11 GOVERNMENT HAS THE BURDEN OF PROOF IN THE CASE, THE GOVERNMENT
09:16AM 12 HAS THE RIGHT TO OPEN FINAL ARGUMENTS AND CLOSE FINAL ARGUMENTS.

09:16AM 13 SO YOU'LL HEAR FIRST FROM MS. BATSON, THEN YOU'LL HEAR THE

09:16AM 14 COMPLETE ARGUMENTS FROM DEFENSE COUNSEL--MR. KEMP, THEN

09:16AM 15 MR. WHALEN, THEN MR. PETRAZIO--AND THEN MR. GONZALEZ WILL USE

09:16AM 16 THE GOVERNMENT'S REMAINING TIME FOR THE GOVERNMENT'S CLOSING

09:16AM 17 ARGUMENT.

09:16AM 18 EACH SIDE WILL HAVE AN HOUR AND 45 MINUTES EACH.

09:16AM 19 SO MS. BATSON WILL ARGUE FIRST. SHE'LL USE PART OF THE HOUR

09:16AM 20 AND 45 MINUTES THAT THE GOVERNMENT HAS, AND THEN EACH OF THE

09:16AM 21 DEFENSE LAWYERS WILL USE THEIR TIME, A TOTAL OF AN HOUR AND

09:16AM 22 45 MINUTES, AND THEN WE'LL COME BACK AND FINISH UP WITH

09:16AM 23 MR. GONZALEZ.

09:17AM 24 SO LET'S GO OVER THE JURY INSTRUCTIONS NOW.

09:17AM 25

JURY INSTRUCTIONS

1633

JURY INSTRUCTIONS

THE COURT: MEMBERS OF THE JURY, IN ANY JURY TRIAL, THERE ARE, IN EFFECT, TWO JUDGES. I AM ONE OF THE JUDGES; THE OTHER IS THE JURY. IT IS MY DUTY TO PRESIDE OVER THE TRIAL AND TO DECIDE WHAT EVIDENCE IS PROPER FOR YOUR CONSIDERATION. IT IS ALSO MY DUTY, AT THE END OF TRIAL, TO EXPLAIN TO YOU THE RULES OF LAW THAT YOU MUST FOLLOW AND APPLY IN ARRIVING AT YOUR VERDICT.

FIRST I WILL GIVE YOU SOME GENERAL INSTRUCTIONS WHICH APPLY IN EVERY CASE, FOR EXAMPLE, INSTRUCTIONS ABOUT BURDEN OF PROOF AND HOW TO JUDGE THE BELIEVABILITY OF WITNESSES; THEN I WILL GIVE YOU SOME SPECIFIC RULES OF LAW ABOUT THIS PARTICULAR CASE; AND, FINALLY, I WILL EXPLAIN TO YOU THE PROCEDURES YOU SHOULD FOLLOW IN YOUR DELIBERATIONS.

YOU, AS JURORS, ARE THE JUDGES OF THE FACTS. BUT IN DETERMINING WHAT ACTUALLY HAPPENED--THAT IS, IN REACHING YOUR DECISION AS TO THE FACTS--IT IS YOUR SWORN DUTY TO FOLLOW ALL OF THE RULES OF LAW AS I EXPLAIN THEM TO YOU.

YOU HAVE NO RIGHT TO DISREGARD OR GIVE SPECIAL ATTENTION TO ANY ONE INSTRUCTION OR TO THE WISDOM OR CORRECTNESS OF ANY RULE I MAY STATE TO YOU. YOU MUST NOT SUBSTITUTE OR FOLLOW YOUR OWN NOTION OR OPINION AS TO WHAT THE LAW IS OR OUGHT TO BE. IT IS YOUR DUTY TO APPLY THE LAW AS I EXPLAIN IT TO YOU, REGARDLESS OF THE CONSEQUENCES.

IT IS ALSO YOUR DUTY TO BASE YOUR VERDICT SOLELY

JURY INSTRUCTIONS

1634

09:18AM 1 UPON THE EVIDENCE, WITHOUT PREJUDICE OR SYMPATHY. THAT WAS THE
09:18AM 2 PROMISE YOU MADE AND THE OATH YOU TOOK BEFORE BEING ACCEPTED
09:18AM 3 BY THE PARTIES AS JURORS, AND THEY HAVE THE RIGHT TO EXPECT
09:18AM 4 NOTHING LESS.

09:18AM 5 THE INDICTMENT, OR FORMAL CHARGE, AGAINST THE
09:18AM 6 DEFENDANTS IS NOT EVIDENCE OF GUILT. INDEED, THE DEFENDANTS
09:18AM 7 ARE PRESUMED BY THE LAW TO BE INNOCENCE. THE LAW DOES NOT
09:18AM 8 REQUIRE A DEFENDANT TO PROVE HIS INNOCENCE OR PRODUCE ANY
09:19AM 9 EVIDENCE AT ALL, AND NO INFERENCE WHATEVER MAY BE DRAWN FROM
09:19AM 10 THE ELECTION OF A DEFENDANT NOT TO TESTIFY AT THIS TRIAL.
09:19AM 11 THE GOVERNMENT HAS THE BURDEN OF PROVING THE DEFENDANTS GUILTY
09:19AM 12 BEYOND A REASONABLE DOUBT, AND IF IT FAILS TO DO SO, YOU MUST
09:19AM 13 ACQUIT THE DEFENDANTS.

09:19AM 14 WHILE THE GOVERNMENT'S BURDEN OF PROOF IS A STRICT
09:19AM 15 OR HEAVY BURDEN, IT IS NOT NECESSARY THAT THE DEFENDANTS' GUILT
09:19AM 16 BE PROVED BEYOND ALL POSSIBLE DOUBT. IT IS ONLY REQUIRED THAT
09:19AM 17 THE GOVERNMENT'S PROOF EXCLUDE ANY REASONABLE DOUBT CONCERNING
09:19AM 18 THE DEFENDANTS' GUILT.

09:19AM 19 A REASONABLE DOUBT IS A DOUBT BASED UPON REASON AND
09:19AM 20 COMMON SENSE AFTER CAREFUL AND IMPARTIAL CONSIDERATION OF ALL
09:19AM 21 THE EVIDENCE IN THE CASE.

09:19AM 22 PROOF BEYOND A REASONABLE DOUBT, THEREFORE, IS PROOF
09:19AM 23 OF SUCH A CONVINCING CHARACTER THAT YOU WOULD BE WILLING TO
09:19AM 24 RELY AND ACT UPON IT WITHOUT HESITATION IN THE MOST IMPORTANT
09:19AM 25 OF YOUR OWN AFFAIRS.

JURY INSTRUCTIONS

1635

09:19AM 1 AS I TOLD YOU EARLIER, IT IS YOUR DUTY TO DETERMINE
09:20AM 2 THE FACTS. IN DOING SO, YOU MUST CONSIDER ONLY THE EVIDENCE
09:20AM 3 PRESENTED DURING THE TRIAL, INCLUDING THE SWORN TESTIMONY OF
09:20AM 4 THE WITNESSES AND THE EXHIBITS. REMEMBER THAT ANY STATEMENTS,
09:20AM 5 OBJECTIONS OR ARGUMENTS MADE BY THE LAWYERS ARE NOT EVIDENCE.
09:20AM 6 THE FUNCTION OF THE LAWYERS IS TO POINT OUT THOSE THINGS THAT
09:20AM 7 ARE MOST SIGNIFICANT OR MOST HELPFUL TO THEIR SIDE OF THE CASE,
09:20AM 8 AND IN SO DOING TO CALL YOUR ATTENTION TO CERTAIN FACTS OR
09:20AM 9 INFERENCES THAT MIGHT OTHERWISE ESCAPE YOUR NOTICE. IN THE
09:20AM 10 FINAL ANALYSIS, HOWEVER, IT IS YOUR OWN RECOLLECTION AND
09:20AM 11 INTERPRETATION OF THE EVIDENCE THAT CONTROLS IN THE CASE.
09:20AM 12 WHAT THE LAWYERS SAY IS NOT BINDING UPON YOU.

09:20AM 13 DURING THE TRIAL, I SUSTAINED OBJECTIONS TO CERTAIN
09:20AM 14 QUESTIONS. YOU MUST DISREGARD THOSE QUESTIONS ENTIRELY.
09:20AM 15 DO NOT SPECULATE AS TO WHAT THE WITNESS WOULD HAVE SAID IF
09:20AM 16 PERMITTED TO ANSWER THE QUESTION. YOUR VERDICT MUST BE BASED
09:20AM 17 SOLELY ON THE LEGALLY ADMISSIBLE EVIDENCE AND TESTIMONY.

09:21AM 18 ALSO, DO NOT ASSUME FROM ANYTHING I MAY HAVE DONE OR
09:21AM 19 SAID DURING THE TRIAL THAT I HAVE ANY OPINION CONCERNING ANY OF
09:21AM 20 THE ISSUES IN THIS CASE. EXCEPT FOR THE INSTRUCTIONS TO YOU ON
09:21AM 21 THE LAW, YOU SHOULD DISREGARD ANYTHING I MAY HAVE SAID DURING
09:21AM 22 THE TRIAL IN ARRIVING AT YOUR FINDINGS--AT YOUR OWN FINDINGS AS
09:21AM 23 TO THE FACTS.

09:21AM 24 WHILE YOU SHOULD CONSIDER ONLY THE EVIDENCE, YOU ARE
09:21AM 25 PERMITTED TO DRAW SUCH REASONABLE INFERENCES FROM THE TESTIMONY

JURY INSTRUCTIONS

1636

09:21AM 1 AND EXHIBITS AS YOU FEEL ARE JUSTIFIED IN THE LIGHT OF COMMON
09:21AM 2 EXPERIENCE. IN OTHER WORDS, YOU MAY MAKE DEDUCTIONS AND REACH
09:21AM 3 CONCLUSIONS THAT REASON AND COMMON SENSE LEAD YOU TO DRAW FROM
09:21AM 4 THE FACTS WHICH HAVE BEEN ESTABLISHED BY THE EVIDENCE.

09:21AM 5 IN CONSIDERING THE EVIDENCE, YOU SHOULD NOT
09:21AM 6 BE CONCERNED ABOUT WHETHER THE EVIDENCE IS DIRECT OR
09:21AM 7 CIRCUMSTANTIAL. DIRECT EVIDENCE IS THE TESTIMONY OF ONE WHO
09:21AM 8 ASSERTS ACTUAL KNOWLEDGE OF A FACT, SUCH AS AN EYEWITNESS.
09:21AM 9 CIRCUMSTANTIAL EVIDENCE IS PROOF OF A CHAIN OF EVENTS AND
09:22AM 10 CIRCUMSTANCES INDICATING THAT SOMETHING IS OR IS NOT A FACT.
09:22AM 11 THE LAW MAKES NO DISTINCTION BETWEEN THE WEIGHT YOU MAY GIVE
09:22AM 12 TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE.

09:22AM 13 I REMIND YOU THAT IT IS YOUR JOB TO DECIDE WHETHER
09:22AM 14 THE GOVERNMENT HAS PROVED THE GUILT OF THE DEFENDANTS BEYOND A
09:22AM 15 REASONABLE DOUBT. IN DOING SO, YOU MUST CONSIDER ALL OF THE
09:22AM 16 EVIDENCE. THIS DOES NOT MEAN, HOWEVER, THAT YOU MUST ACCEPT
09:22AM 17 ALL OF THE EVIDENCE AS TRUE OR ACCURATE.

09:22AM 18 YOU ARE THE SOLE JUDGES OF THE CREDIBILITY OR
09:22AM 19 BELIEVABILITY OF EACH WITNESS AND THE WEIGHT TO BE GIVEN THE
09:22AM 20 WITNESS'S TESTIMONY. AN IMPORTANT PART OF YOUR JOB WILL BE
09:22AM 21 MAKING JUDGMENTS ABOUT THE TESTIMONY OF THE WITNESSES IN THIS
09:22AM 22 CASE. YOU SHOULD DECIDE WHETHER YOU BELIEVE ALL OR ANY PART OF
09:22AM 23 WHAT EACH PERSON HAD TO SAY, AND HOW IMPORTANT THAT TESTIMONY
09:22AM 24 WAS. IN MAKING THAT DECISION, I SUGGEST THAT YOU ASK YOURSELF
09:22AM 25 A FEW QUESTIONS:

JURY INSTRUCTIONS

1637

09:22AM

1

DID THE PERSON IMPRESS YOU AS HONEST?

09:23AM

2

DID THE WITNESS HAVE ANY PARTICULAR REASON NOT TO

09:23AM

3

TELL THE TRUTH?

09:23AM

4

DID THE WITNESS HAVE A PERSONAL INTEREST IN THE

09:23AM

5

OUTCOME OF THE CASE?

09:23AM

6

DID THE WITNESS HAVE ANY RELATIONSHIP WITH EITHER

09:23AM

7

THE GOVERNMENT OR THE DEFENSE?

09:23AM

8

DID THE WITNESS SEEM TO HAVE A GOOD MEMORY?

09:23AM

9

DID THE WITNESS CLEARLY SEE OR HEAR THE THINGS ABOUT

09:23AM

10

WHICH HE TESTIFIED?

09:23AM

11

DID THE WITNESS HAVE THE OPPORTUNITY AND ABILITY TO

09:23AM

12

UNDERSTAND THE QUESTIONS CLEARLY AND ANSWER THEM DIRECTLY?

09:23AM

13

DID THE WITNESS'S TESTIMONY DIFFER FROM THE

09:23AM

14

TESTIMONY OF OTHER WITNESSES?

09:23AM

15

THESE ARE A FEW OF THE CONSIDERATIONS THAT WILL HELP

09:23AM

16

YOU DETERMINE THE ACCURACY OF WHAT EACH WITNESS SAID.

09:23AM

17

YOUR JOB IS TO THINK ABOUT THE TESTIMONY OF EACH

09:23AM

18

WITNESS YOU HAVE HEARD AND DECIDE HOW MUCH YOU BELIEVE OF WHAT

09:23AM

19

EACH WITNESS HAD TO SAY. IN MAKING UP YOUR MIND AND REACHING

09:23AM

20

A VERDICT, DO NOT MAKE ANY DECISIONS SIMPLY BECAUSE THERE WERE

09:23AM

21

MORE WITNESSES ON ONE SIDE THAN ON THE OTHER. DO NOT REACH A

09:23AM

22

CONCLUSION ON A PARTICULAR POINT JUST BECAUSE THERE WERE MORE

09:24AM

23

WITNESSES TESTIFYING FOR ONE SIDE ON THAT POINT.

09:24AM

24

YOU HAVE BEEN TOLD THAT CERTAIN WITNESSES WERE

09:24AM

25

CONVICTED OF VARIOUS CRIMES. A CONVICTION IS A FACTOR YOU MAY

JURY INSTRUCTIONS

1638

09:24AM 1 CONSIDER IN DECIDING WHETHER YOU BELIEVE THAT WITNESS, BUT IT
09:24AM 2 DOES NOT NECESSARILY DESTROY THE WITNESS'S CREDIBILITY. IT
09:24AM 3 HAS BEEN BROUGHT TO YOUR ATTENTION ONLY BECAUSE YOU MAY WISH TO
09:24AM 4 CONSIDER IT WHEN YOU DECIDE WHETHER YOU BELIEVE THE WITNESS'S
09:24AM 5 TESTIMONY. IT IS NOT EVIDENCE OF ANYTHING ELSE.

09:24AM 6 IN THIS CASE, THE GOVERNMENT CALLED SEVERAL
09:24AM 7 WITNESSES WHO WERE ALLEGED ACCOMPLICES, SOME OF WHOM WERE NAMED
09:24AM 8 AS CODEFENDANTS IN THE SECOND SUPERSEDING INDICTMENT AND WITH
09:24AM 9 WHOM THE GOVERNMENT HAS ENTERED INTO PLEA AGREEMENTS PROVIDING
09:24AM 10 FOR THE DISMISSAL OF SOME CHARGES AND/OR A LESSER SENTENCE THAN
09:24AM 11 THE CODEFENDANTS WOULD OTHERWISE BE EXPOSED TO FOR THE OFFENSE
09:24AM 12 TO WHICH THE CODEFENDANTS PLED GUILTY. SUCH PLEA-BARGAINING,
09:24AM 13 AS IT IS CALLED, HAS BEEN APPROVED AS LAWFUL AND PROPER AND
09:24AM 14 IS EXPRESSLY PROVIDED FOR IN THE RULES OF THIS COURT.

09:25AM 15 AN ALLEGED ACCOMPLICE, INCLUDING ONE WHO HAS ENTERED
09:25AM 16 INTO A PLEA AGREEMENT WITH THE GOVERNMENT, IS NOT PROHIBITED
09:25AM 17 FROM TESTIFYING. ON THE CONTRARY, THE TESTIMONY OF SUCH A
09:25AM 18 WITNESS MAY ALONE BE OF SUFFICIENT WEIGHT TO SUSTAIN A VERDICT
09:25AM 19 OF GUILTY. YOU SHOULD KEEP IN MIND THAT SUCH TESTIMONY IS
09:25AM 20 ALWAYS TO BE RECEIVED WITH CAUTION AND WEIGHED WITH GREAT CARE.
09:25AM 21 YOU SHOULD NEVER CONVICT A DEFENDANT UPON THE UNSUPPORTED
09:25AM 22 TESTIMONY OF AN ALLEGED ACCOMPLICE UNLESS YOU BELIEVE THAT
09:25AM 23 TESTIMONY BEYOND A REASONABLE DOUBT. THE FACT THAT AN
09:25AM 24 ACCOMPLICE HAS ENTERED A PLEA OF GUILTY TO THE OFFENSE
09:25AM 25 CHARGED IS NOT EVIDENCE OF THE GUILT OF ANY OTHER PERSON.

JURY INSTRUCTIONS

1639

09:25AM 1 THE TESTIMONY OF SOMEONE WHO IS SHOWN TO HAVE
09:25AM 2 USED ADDICTIVE DRUGS DURING THE PERIOD OF TIME ABOUT WHICH HE
09:25AM 3 TESTIFIED--ABOUT WHICH THE WITNESS TESTIFIED--MUST ALWAYS BE
09:25AM 4 EXAMINED AND WEIGHED BY THE JURY WITH GREATER CARE AND CAUTION
09:25AM 5 THAN THE TESTIMONY OF ORDINARY WITNESSES.

09:26AM 6 YOU SHOULD NEVER CONVICT ANY DEFENDANT UPON THE
09:26AM 7 UNSUPPORTED TESTIMONY OF SUCH A WITNESS UNLESS YOU BELIEVE
09:26AM 8 THAT TESTIMONY BEYOND A REASONABLE DOUBT.

09:26AM 9 DURING THE TRIAL, YOU HEARD THE TESTIMONY OF MARK
09:26AM 10 MCDONALD, SENIOR FORENSIC CHEMIST WITH THE DRUG ENFORCEMENT
09:26AM 11 ADMINISTRATION; CHARITY FOREMAN, FORENSIC CHEMIST WITH THE DRUG
09:26AM 12 ENFORCEMENT ADMINISTRATION; CLAY PHELAN, FORENSIC CHEMIST WITH
09:26AM 13 THE DRUG ENFORCEMENT ADMINISTRATION; NICHOLAS GRIZZLE, FORENSIC
09:26AM 14 CHEMIST WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY; JENNIFER
09:26AM 15 RUMPE, FORENSIC CHEMIST WITH THE TEXAS DEPARTMENT OF PUBLIC
09:26AM 16 SAFETY; RICHARD DREW FOUT, FORENSIC CHEMIST WITH THE TEXAS
09:26AM 17 DEPARTMENT OF PUBLIC SAFETY; AND GENEVIEVE MEDINA, FORENSIC
09:26AM 18 SCIENTIST WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY, WHO WERE
09:26AM 19 OFFERED AS EXPERT WITNESSES ON THE IDENTIFICATION OF NARCOTICS.
09:26AM 20 IF SCIENTIFIC, TECHNICAL OR OTHER SPECIALIZED KNOWLEDGE MIGHT
09:26AM 21 ASSIST THE JURY IN UNDERSTANDING THE EVIDENCE OR IN DETERMINING
09:27AM 22 A FACT IN ISSUE, A WITNESS QUALIFIED BY KNOWLEDGE, SKILL,
09:27AM 23 EXPERIENCE, TRAINING OR EDUCATION MAY TESTIFY AND STATE AN
09:27AM 24 OPINION CONCERNING SUCH MATTERS.

09:27AM 25 MERELY BECAUSE SUCH A WITNESS HAS EXPRESSED AN

JURY INSTRUCTIONS

1640

09:27AM 1 OPINION DOES NOT MEAN, HOWEVER, THAT YOU MUST ACCEPT THIS
09:27AM 2 OPINION. YOU SHOULD JUDGE SUCH TESTIMONY LIKE ANY OTHER
09:27AM 3 TESTIMONY. YOU MAY ACCEPT IT OR REJECT IT, AND GIVE IT AS
09:27AM 4 MUCH WEIGHT AS YOU THINK IT DESERVES CONSIDERING THE WITNESS'S
09:27AM 5 EDUCATION AND EXPERIENCE, THE SOUNDNESS OF THE REASONS GIVEN
09:27AM 6 FOR THE OPINION, AND ALL OTHER EVIDENCE IN THE CASE.

09:27AM 7 YOU WILL NOTE THAT THE SECOND SUPERSEDING INDICTMENT
09:27AM 8 CHARGES THAT THE OFFENSE WAS COMMITTED FROM SOMETIME IN OR
09:27AM 9 ABOUT JANUARY 2008 AND CONTINUOUSLY THEREAFTER UP TO AND
09:27AM 10 INCLUDING APRIL 12TH, 2012. THE GOVERNMENT DOES NOT HAVE TO
09:27AM 11 PROVE THAT THE CRIME WAS COMMITTED ON THOSE EXACT DATES, SO
09:27AM 12 LONG AS THE GOVERNMENT PROVES BEYOND A REASONABLE DOUBT THAT
09:27AM 13 THE DEFENDANTS COMMITTED THE CRIME ON DATES REASONABLY NEAR
09:28AM 14 THE DATES STATED IN THE SECOND SUPERSEDING INDICTMENT.

09:28AM 15 YOU ARE HERE TO DECIDE WHETHER THE GOVERNMENT HAS
09:28AM 16 PROVED BEYOND A REASONABLE DOUBT THAT THE DEFENDANTS ARE GUILTY
09:28AM 17 OF THE CRIME CHARGED. THE DEFENDANTS ARE NOT ON TRIAL FOR ANY
09:28AM 18 ACT, CONDUCT OR OFFENSE NOT ALLEGED IN THE SECOND SUPERSEDING
09:28AM 19 INDICTMENT. NEITHER ARE YOU CONCERNED WITH THE GUILT OF ANY
09:28AM 20 OTHER PERSON OR PERSONS NOT ON TRIAL AS A DEFENDANT IN THIS
09:28AM 21 CASE.

09:28AM 22 IF A DEFENDANT IS FOUND GUILTY, IT WILL BE MY DUTY
09:28AM 23 TO DECIDE WHAT THE PUNISHMENT WILL BE. YOU SHOULD NOT BE
09:28AM 24 CONCERNED WITH PUNISHMENT IN ANY WAY. IT SHOULD NOT ENTER
09:28AM 25 YOUR CONSIDERATION OR DISCUSSION.

JURY INSTRUCTIONS

1641

09:28AM 1 THE CASE OF EACH DEFENDANT AND THE EVIDENCE
09:28AM 2 PERTAINING TO THAT DEFENDANT SHOULD BE CONSIDERED SEPARATELY
09:28AM 3 AND INDIVIDUALLY. THE FACT THAT YOU MAY FIND ONE OF THE
09:28AM 4 DEFENDANTS GUILTY OR NOT GUILTY SHOULD NOT CONTROL YOUR VERDICT
09:28AM 5 AS TO ANY OTHER DEFENDANT.

09:28AM 6 IN DETERMINING WHETHER ANY STATEMENT, CLAIMED TO
09:29AM 7 HAVE BEEN MADE BY A DEFENDANT OUTSIDE OF COURT AND AFTER AN
09:29AM 8 ALLEGED CRIME HAS BEEN COMMITTED, WAS KNOWINGLY AND VOLUNTARILY
09:29AM 9 MADE, YOU SHOULD CONSIDER THE EVIDENCE CONCERNING SUCH A
09:29AM 10 STATEMENT WITH CAUTION AND GREAT CARE AND SHOULD GIVE SUCH
09:29AM 11 WEIGHT TO THE STATEMENT AS YOU FEEL IT DESERVES UNDER ALL THE
09:29AM 12 CIRCUMSTANCES.

09:29AM 13 YOU MAY CONSIDER IN THAT REGARD SUCH FACTORS AS THE
09:29AM 14 AGE, SEX, TRAINING, EDUCATION, OCCUPATION, AND PHYSICAL AND
09:29AM 15 MENTAL CONDITION OF THE DEFENDANT, HIS TREATMENT WHILE UNDER
09:29AM 16 INTERROGATION, AND ALL OTHER CIRCUMSTANCES IN EVIDENCE
09:29AM 17 SURROUNDING THE MAKING OF THE STATEMENT.

09:29AM 18 OF COURSE, ANY SUCH STATEMENT SHOULD NOT BE
09:29AM 19 CONSIDERED IN ANY WAY WHATSOEVER AS EVIDENCE WITH RESPECT
09:29AM 20 TO ANY OTHER DEFENDANT ON TRIAL.

09:29AM 21 IN ANY CRIMINAL CASE, THE GOVERNMENT MUST PROVE NOT
09:29AM 22 ONLY THE ESSENTIAL ELEMENTS OF THE OFFENSE OR OFFENSES CHARGED,
09:29AM 23 AS HEREAFTER DEFINED, BUT MUST ALSO PROVE, OF COURSE, THE
09:30AM 24 IDENTITY OF THE DEFENDANT AS THE PERPETRATOR OF THE ALLEGED
09:30AM 25 OFFENSE OR OFFENSES.

JURY INSTRUCTIONS

1642

IN EVALUATING THE IDENTIFICATION TESTIMONY OF A WITNESS, YOU SHOULD CONSIDER ALL OF THE FACTORS ALREADY MENTIONED CONCERNING YOUR ASSESSMENT OF THE CREDIBILITY OF ANY WITNESS IN GENERAL, AND SHOULD ALSO CONSIDER, IN PARTICULAR, WHETHER THE WITNESS HAD AN ADEQUATE OPPORTUNITY TO OBSERVE THE PERSON IN QUESTION AT THE TIME OR TIMES ABOUT WHICH THE WITNESS TESTIFIED. YOU MAY CONSIDER, IN THAT REGARD, SUCH MATTERS AS THE LENGTH OF TIME THE WITNESS HAD TO OBSERVE THE PERSON IN QUESTION, THE PREVAILING CONDITIONS AT THAT TIME IN TERMS OF VISIBILITY OR DISTANCE AND THE LIKE, AND WHETHER THE WITNESS HAD KNOWN OR OBSERVED THE PERSON AT EARLIER TIMES.

YOU MAY ALSO CONSIDER THE CIRCUMSTANCES SURROUNDING THE IDENTIFICATION ITSELF, INCLUDING, FOR EXAMPLE, THE MANNER IN WHICH THE DEFENDANT WAS PRESENTED TO THE WITNESS FOR IDENTIFICATION AND THE LENGTH OF TIME THAT HAS ELAPSED BETWEEN THE INCIDENT IN QUESTION AND THE NEXT OPPORTUNITY THE WITNESS HAD TO OBSERVE THE DEFENDANT.

IF, AFTER EXAMINING ALL THE TESTIMONY AND EVIDENCE IN THE CASE, YOU HAVE A REASONABLE DOUBT AS TO THE IDENTITY OF A DEFENDANT AS THE PERPETRATOR OF THE OFFENSE CHARGED, YOU MUST FIND THAT DEFENDANT NOT GUILTY.

YOU HAVE HEARD EVIDENCE OF ACTS OF DEFENDANT TIMOTHY LEDON BOWEN WHICH MAY BE SIMILAR TO THOSE CHARGED IN THE SECOND SUPERSEDING INDICTMENT BUT WHICH WERE COMMITTED ON OTHER OCCASIONS. YOU MUST NOT CONSIDER ANY OF THIS EVIDENCE IN

JURY INSTRUCTIONS

1643

09:31AM 1 DECIDING IF DEFENDANT TIMOTHY LEDON BOWEN COMMITTED THE ACTS
09:31AM 2 CHARGED IN THE SECOND SUPERSEDING INDICTMENT. HOWEVER, YOU
09:31AM 3 MAY CONSIDER THIS EVIDENCE FOR OTHER, VERY LIMITED, PURPOSES.

09:31AM 4 IF YOU FIND BEYOND A REASONABLE DOUBT FROM OTHER
09:31AM 5 EVIDENCE IN THIS CASE THAT DEFENDANT TIMOTHY LEDON BOWEN DID
09:31AM 6 COMMIT THE ACTS CHARGED IN THE SECOND SUPERSEDING INDICTMENT,
09:31AM 7 THEN YOU MAY CONSIDER EVIDENCE OF THE SIMILAR ACTS ALLEGEDLY
09:32AM 8 COMMITTED ON OTHER OCCASIONS TO DETERMINE WHETHER DEFENDANT
09:32AM 9 TIMOTHY LEDON BOWEN HAD THE STATE OF MIND OR INTENT NECESSARY
09:32AM 10 TO COMMIT THE CRIME CHARGED IN THE SECOND SUPERSEDING
09:32AM 11 INDICTMENT, OR WHETHER DEFENDANT TIMOTHY LEDON BOWEN HAD A
09:32AM 12 MOTIVE OR THE OPPORTUNITY TO COMMIT THE CRIME--COMMIT THE
09:32AM 13 ACTS CHARGED IN THE SECOND SUPERSEDING INDICTMENT, OR WHETHER
09:32AM 14 DEFENDANT TIMOTHY LEDON BOWEN ACTED ACCORDING TO A PLAN, OR
09:32AM 15 WHETHER DEFENDANT TIMOTHY LEDON BOWEN COMMITTED THE ACTS FOR
09:32AM 16 WHICH HE IS ON TRIAL BY ACCIDENT OR MISTAKE. THESE ARE THE
09:32AM 17 LIMITED PURPOSES FOR WHICH ANY EVIDENCE OF OTHER, SIMILAR ACTS
09:32AM 18 MAY BE CONSIDERED.

09:32AM 19 GOVERNMENT'S EXHIBIT 53 HAS BEEN IDENTIFIED AS A
09:32AM 20 TYPEWRITTEN TRANSCRIPT AND PARTIAL TRANSLATION FROM SPANISH
09:32AM 21 INTO ENGLISH OF THE ORAL CONVERSATION WHICH CAN BE HEARD ON THE
09:32AM 22 TAPE RECORDING RECEIVED INTO EVIDENCE AS GOVERNMENT'S EXHIBIT
09:32AM 23 52. THE TRANSCRIPT ALSO PURPORTS TO IDENTIFY THE SPEAKERS
09:33AM 24 ENGAGED IN SUCH CONVERSATION.

09:33AM 25 I HAVE ADMITTED THE TRANSCRIPT FOR THE LIMITED AND

JURY INSTRUCTIONS

1644

09:33AM 1 SECONDARY PURPOSE OF AIDING YOU IN FOLLOWING THE CONTENT OF THE
09:33AM 2 CONVERSATION AS YOU LISTEN TO THE TAPE RECORDING, PARTICULARLY
09:33AM 3 THOSE PORTIONS SPOKEN IN SPANISH, AND ALSO TO AID YOU IN
09:33AM 4 IDENTIFYING THE SPEAKERS.

09:33AM 5 YOU ARE SPECIFICALLY INSTRUCTED THAT WHETHER THE
09:33AM 6 TRANSCRIPT CORRECTLY OR INCORRECTLY REFLECTS THE CONTENT OF
09:33AM 7 THE CONVERSATION OR THE IDENTITY OF THE SPEAKERS IS ENTIRELY
09:33AM 8 FOR YOU TO DETERMINE BASED UPON YOUR OWN EVALUATION OF THE
09:33AM 9 TESTIMONY YOU HAVE HEARD CONCERNING THE PREPARATION OF THE
09:33AM 10 TRANSCRIPT AND FROM YOUR OWN EXAMINATION OF THE TRANSCRIPT
09:33AM 11 IN RELATION TO YOUR HEARING OF THE TAPE RECORDING ITSELF AS
09:33AM 12 THE PRIMARY EVIDENCE OF ITS OWN CONTENTS; AND IF YOU SHOULD
09:33AM 13 DETERMINE THAT THE TRANSCRIPT IS IN ANY RESPECT INCORRECT
09:33AM 14 OR UNRELIABLE, YOU SHOULD DISREGARD IT TO THAT EXTENT.

09:33AM 15 IN THIS CASE, THE SECOND SUPERSEDING INDICTMENT
09:33AM 16 CHARGES DEFENDANTS RENE CORTEZ SALAZAR, TIMOTHY LEDON BOWEN AND
09:34AM 17 JUAN CARLOS VEGA WITH ONE OFFENSE ALLEGED IN ONE COUNT. I WILL
09:34AM 18 NOT READ THE SECOND SUPERSEDING INDICTMENT TO YOU AT THIS TIME
09:34AM 19 BECAUSE I WILL GIVE YOU A COPY TO TAKE WITH YOU TO THE JURY
09:34AM 20 ROOM.

09:34AM 21 COUNT 1 OF THE SECOND SUPERSEDING INDICTMENT CHARGES
09:34AM 22 THAT DEFENDANTS RENE CORTEZ SALAZAR, TIMOTHY LEDON BOWEN AND
09:34AM 23 JUAN CARLOS VEGA DID KNOWINGLY AND INTENTIONALLY COMBINE,
09:34AM 24 CONSPIRE AND AGREE WITH EACH OTHER AND OTHER PERSONS KNOWN
09:34AM 25 AND UNKNOWN TO THE UNITED STATES GRAND JURY TO KNOWINGLY AND

JURY INSTRUCTIONS

1645

09:34AM 1 INTENTIONALLY POSSESS WITH THE INTENT TO DISTRIBUTE 500 GRAMS
09:34AM 2 OR MORE OF A MIXTURE OR SUBSTANCE CONTAINING A DETECTABLE
09:34AM 3 AMOUNT OF METHAMPHETAMINE AND/OR 50 GRAMS OR MORE OF
09:34AM 4 METHAMPHETAMINE (ACTUAL), IN VIOLATION OF TITLE 21, UNITED
09:34AM 5 STATES CODE, SECTION 841(A)(1), ALL IN VIOLATION OF TITLE 21,
09:35AM 6 UNITED STATES CODE, SECTION 846.

09:35AM 7 TITLE 21, UNITED STATES CODE, SECTION 846 MAKES IT
09:35AM 8 A CRIME FOR ANYONE TO CONSPIRE WITH SOMEONE ELSE TO COMMIT A
09:35AM 9 VIOLATION OF CERTAIN CONTROLLED-SUBSTANCES LAWS OF THE UNITED
09:35AM 10 STATES.

09:35AM 11 FOR YOU TO FIND THE DEFENDANTS GUILTY OF THIS CRIME,
09:35AM 12 YOU MUST BE CONVINCED THAT THE GOVERNMENT HAS PROVED EACH OF
09:35AM 13 THE FOLLOWING BEYOND A REASONABLE DOUBT:

09:35AM 14 FIRST: THAT TWO OR MORE PERSONS, DIRECTLY OR
09:35AM 15 INDIRECTLY, REACHED AN AGREEMENT TO KNOWINGLY AND INTENTIONALLY
09:35AM 16 POSSESS WITH THE INTENT TO DISTRIBUTE ACTUAL METHAMPHETAMINE
09:35AM 17 OR A MIXTURE OR SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF
09:35AM 18 METHAMPHETAMINE AS CHARGED IN THE SECOND SUPERSEDING INDICTMENT;

09:35AM 19 SECOND: THAT THE DEFENDANTS KNEW OF THE UNLAWFUL
09:35AM 20 PURPOSE OF THE AGREEMENT;

09:35AM 21 THIRD, THAT THE DEFENDANTS JOINED IN THE AGREEMENT
09:35AM 22 WILLFULLY, THAT IS, WITH THE INTENT TO FURTHER ITS UNLAWFUL
09:35AM 23 PURPOSE; AND

09:35AM 24 FOURTH: THAT THE OVERALL SCOPE OF THE CONSPIRACY
09:36AM 25 INVOLVED A QUANTITY OF ACTUAL METHAMPHETAMINE OR A MIXTURE OR

JURY INSTRUCTIONS

1646

1 SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF METHAMPHETAMINE
2 AS DETERMINED BY THE JURY IN THE VERDICT-OF-THE-JURY FORM.

3 A CONSPIRACY IS AN AGREEMENT BETWEEN TWO OR MORE
4 PERSONS TO JOIN TOGETHER TO ACCOMPLISH SOME UNLAWFUL PURPOSE.
5 IT IS A KIND OF PARTNERSHIP IN CRIME IN WHICH EACH MEMBER
6 BECOMES THE AGENT OF EVERY OTHER MEMBER.

7 ONE MAY BECOME A MEMBER OF A CONSPIRACY WITHOUT
8 KNOWING ALL THE DETAILS OF THE UNLAWFUL SCHEME OR THE
9 IDENTITIES OF ALL THE OTHER ALLEGED CONSPIRATORS. IF A
10 DEFENDANT UNDERSTANDS THE UNLAWFUL NATURE OF A PLAN OR SCHEME
11 AND KNOWINGLY AND INTENTIONALLY JOINS IN THAT PLAN OR SCHEME ON
12 ONE OCCASION, THAT IS SUFFICIENT TO CONVICT HIM FOR CONSPIRACY
13 EVEN THOUGH THE DEFENDANT HAD NOT PARTICIPATED BEFORE AND EVEN
14 THOUGH THE DEFENDANT PLAYED ONLY A MINOR PART.

15 THE GOVERNMENT NEED NOT PROVE THAT THE ALLEGED
16 CONSPIRATORS ENTERED INTO ANY FORMAL AGREEMENT, NOR THAT THEY
17 DIRECTLY STATED BETWEEN THEMSELVES ALL THE DETAILS OF THE
18 SCHEME. ALSO, THE GOVERNMENT NEED NOT PROVE THAT ALL OF
19 THE DETAILS OF THE SCHEME ALLEGED IN THE SECOND SUPERSEDING
20 INDICTMENT WERE ACTUALLY AGREED UPON OR CARRIED OUT. NOR MUST
21 IT PROVE THAT ALL OF THE PERSONS ALLEGED TO HAVE BEEN MEMBERS
22 OF THE CONSPIRACY WERE SUCH OR THAT THE ALLEGED CONSPIRATORS
23 ACTUALLY SUCCEEDED IN ACCOMPLISHING THEIR UNLAWFUL OBJECTIVES.

24 MERE PRESENCE AT THE SCENE OF AN EVENT, EVEN WITH
25 KNOWLEDGE THAT A CRIME IS BEING COMMITTED, OR THE MERE FACT

JURY INSTRUCTIONS

1647

09:37AM 1 THAT CERTAIN PERSONS MAY HAVE ASSOCIATED WITH EACH OTHER AND
09:37AM 2 MAY HAVE ASSEMBLED TOGETHER AND DISCUSSED COMMON AIMS AND
09:37AM 3 INTERESTS DOES NOT NECESSARILY ESTABLISH PROOF OF THE EXISTENCE
09:37AM 4 OF A CONSPIRACY. ALSO, A PERSON WHO HAS NO KNOWLEDGE OF A
09:37AM 5 CONSPIRACY, BUT WHO HAPPENS TO ACT IN A WAY WHICH ADVANCES SOME
09:37AM 6 PURPOSE OF A CONSPIRACY, DOES NOT THEREBY BECOME A CONSPIRATOR.

09:37AM 7 THE WORD "KNOWINGLY," AS THAT TERM HAS BEEN USED
09:38AM 8 FROM TIME TO TIME IN THESE INSTRUCTIONS, MEANS THAT THE ACT WAS
09:38AM 9 DONE VOLUNTARILY AND INTENTIONALLY AND NOT BECAUSE OF MISTAKE
09:38AM 10 OR ACCIDENT.

09:38AM 11 "POSSESSION," AS THAT TERM IS USED IN THIS CASE,
09:38AM 12 MAY BE OF TWO KINDS: ACTUAL POSSESSION AND CONSTRUCTIVE
09:38AM 13 POSSESSION. A PERSON WHO KNOWINGLY HAS DIRECT PHYSICAL CONTROL
09:38AM 14 OVER A THING, AT A GIVEN TIME, IS THEN IN ACTUAL POSSESSION OF
09:38AM 15 IT.

09:38AM 16 A PERSON WHO, ALTHOUGH NOT IN ACTUAL POSSESSION,
09:38AM 17 KNOWINGLY HAS BOTH THE POWER AND THE INTENTION, AT A GIVEN
09:38AM 18 TIME, TO EXERCISE DOMINION OR CONTROL OVER A THING, EITHER
09:38AM 19 DIRECTLY OR THROUGH ANOTHER PERSON OR PERSONS, IS THEN IN
09:38AM 20 CONSTRUCTIVE POSSESSION OF IT.

09:38AM 21 POSSESSION MAY BE SOLE OR JOINT. IF ONE PERSON
09:38AM 22 ALONE HAS ACTUAL OR CONSTRUCTIVE POSSESSION OF A THING,
09:38AM 23 POSSESSION IS SOLE. IF TWO OR MORE PERSONS SHARE ACTUAL
09:38AM 24 OR CONSTRUCTIVE POSSESSION OF A THING, POSSESSION IS JOINT.

09:38AM 25 YOU MAY FIND THAT THE ELEMENT OF "POSSESSION," AS

JURY INSTRUCTIONS

1648

09:39AM 1 THAT TERM IS USED IN THESE INSTRUCTIONS, IS PRESENT IF YOU
09:39AM 2 FIND BEYOND A REASONABLE DOUBT THAT A DEFENDANT HAD ACTUAL OR
09:39AM 3 CONSTRUCTIVE POSSESSION, EITHER ALONE OR JOINTLY WITH OTHERS.

09:39AM 4 TO "POSSESS WITH INTENT TO DISTRIBUTE" SIMPLY MEANS
09:39AM 5 TO POSSESS WITH INTENT TO DELIVER OR TRANSFER POSSESSION OF A
09:39AM 6 CONTROLLED SUBSTANCE TO ANOTHER PERSON, WITH OR WITHOUT ANY
09:39AM 7 FINANCIAL INTEREST IN THE TRANSACTION.

09:39AM 8 TO REACH A VERDICT, WHETHER IT IS "GUILTY" OR "NOT
09:39AM 9 GUILTY," ALL OF YOU MUST AGREE. YOUR VERDICT MUST BE UNANIMOUS.
09:39AM 10 YOUR DELIBERATIONS WILL BE SECRET. YOU WILL NEVER HAVE TO
09:39AM 11 EXPLAIN YOUR VERDICT TO ANYONE.

09:39AM 12 IT IS YOUR DUTY TO CONSULT WITH ONE ANOTHER AND TO
09:39AM 13 DELIBERATE IN AN EFFORT TO REACH AGREEMENT IF YOU CAN DO SO.
09:39AM 14 EACH OF YOU MUST DECIDE THE CASE FOR YOURSELF, BUT ONLY AFTER
09:39AM 15 AN IMPARTIAL CONSIDERATION OF THE EVIDENCE WITH YOUR FELLOW
09:39AM 16 JURORS. DURING YOUR DELIBERATIONS, DO NOT HESITATE TO
09:39AM 17 RE-EXAMINE YOUR OWN OPINIONS AND CHANGE YOUR MIND IF CONVINCED
09:40AM 18 THAT YOU WERE WRONG. BUT DO NOT GIVE UP YOUR HONEST BELIEFS
09:40AM 19 AS TO THE WEIGHT OR EFFECT OF THE EVIDENCE SOLELY BECAUSE OF
09:40AM 20 THE OPINION OF YOUR FELLOW JURORS OR FOR THE MERE PURPOSE OF
09:40AM 21 RETURNING A VERDICT.

09:40AM 22 REMEMBER AT ALL TIMES, YOU ARE JUDGES--JUDGES OF
09:40AM 23 THE FACTS. YOUR DUTY IS TO DECIDE WHETHER THE GOVERNMENT
09:40AM 24 HAS PROVED THE DEFENDANTS GUILTY BEYOND A REASONABLE DOUBT.

09:40AM 25 WHEN YOU GO TO THE JURY ROOM, THE FIRST THING THAT

JURY INSTRUCTIONS

1649

09:40AM 1 YOU SHOULD DO IS SELECT ONE OF YOUR NUMBER AS YOUR FOREPERSON,
09:40AM 2 WHO WILL HELP TO GUIDE YOUR DELIBERATIONS AND WILL SPEAK FOR
09:40AM 3 YOU HERE IN THE COURTROOM.

09:40AM 4 A FORM OF VERDICT HAS BEEN PREPARED FOR YOUR
09:40AM 5 CONVENIENCE.

09:40AM 6 THE FOREPERSON WILL WRITE THE UNANIMOUS ANSWER
09:40AM 7 OF THE JURY IN THE SPACE PROVIDED, EITHER "GUILTY" OR "NOT
09:40AM 8 GUILTY." AT THE CONCLUSION OF YOUR DELIBERATIONS, THE FOREMAN
09:40AM 9 SHOULD DATE AND SIGN THE VERDICT.

09:40AM 10 IF YOU NEED TO COMMUNICATE WITH ME DURING YOUR
09:40AM 11 DELIBERATIONS, THE FOREPERSON SHOULD WRITE THE MESSAGE AND
09:40AM 12 GIVE IT TO THE COURT SECURITY OFFICER. I WILL EITHER REPLY
09:41AM 13 IN WRITING OR BRING YOU BACK INTO THE COURT TO ANSWER YOUR
09:41AM 14 MESSAGE.

09:41AM 15 IF AND WHEN YOU COMMUNICATE WITH THE COURT DURING
09:41AM 16 YOUR DELIBERATIONS, YOU ARE NEVER TO REVEAL TO ANY PERSON,
09:41AM 17 NOT EVEN TO THE COURT, HOW THE JURY STANDS, NUMERICALLY OR
09:41AM 18 OTHERWISE, UNTIL AFTER YOU HAVE REACHED A UNANIMOUS VERDICT.

09:41AM 19 NOW, LADIES AND GENTLEMEN, THE NEXT FOUR PAGES ARE
09:41AM 20 THE VERDICT FORM. AND WHOEVER YOU ELECT AS YOUR PRESIDING
09:41AM 21 JUROR WILL DATE AND SIGN THE VERDICT FORM AND FILL IN YOUR
09:41AM 22 ANSWERS TO THE QUESTIONS.

09:41AM 23 SO THE VERDICT FORM READS: "WE, THE JURY, FIND AS
09:41AM 24 FOLLOWS:"

09:41AM 25 AND I'LL READ THE FIRST ONE, WITH RESPECT TO RENE

JURY INSTRUCTIONS

1650

09:41AM

1

CORTEZ SALAZAR.

09:41AM

2

"AS TO COUNT 1 OF THE SECOND SUPERSEDING INDICTMENT,

09:41AM

3

WE, THE JURY, FIND RENE CORTEZ SALAZAR" EITHER "GUILTY" OR "NOT

09:41AM

4

GUILTY."

09:41AM

5

"IF YOU HAVE FOUND DEFENDANT RENE CORTEZ SALAZAR

09:41AM

6

GUILTY OF THE SECOND SUPERSEDING INDICTMENT, THEN YOU MUST

09:42AM

7

CONSIDER THE FOLLOWING QUESTION. YOU MUST DETERMINE THE

09:42AM

8

QUANTITY RANGE OF METHAMPHETAMINE INVOLVED IN THE CONSPIRACY.

09:42AM

9

INDICATE BELOW YOUR UNANIMOUS FINDING BEYOND A REASONABLE

09:42AM

10

DOUBT OF THE QUANTITY RANGE OF THE METHAMPHETAMINE, IF ANY,

09:42AM

11

APPLICABLE TO THE OVERALL SCOPE OF THE CONSPIRACY OF WHICH YOU

09:42AM

12

HAVE FOUND THE DEFENDANT TO BE A MEMBER AND DURING THE TIME HE

09:42AM

13

WAS A MEMBER. A QUANTITY OF METHAMPHETAMINE MAY ONLY BE

09:42AM

14

ATTRIBUTED TO THE DEFENDANT IF THAT QUANTITY WAS WITHIN THE

09:42AM

15

SCOPE OF THE CONSPIRACY AFTER THE DEFENDANT'S ENTRY INTO THE

09:42AM

16

CONSPIRACY."

09:42AM

17

SO, IF YOU FOUND THE DEFENDANT RENE CORTEZ SALAZAR

09:42AM

18

GUILTY OF COUNT 1 OF THE SECOND SUPERSEDING INDICTMENT, YOU

09:42AM

19

MUST ANSWER THE FOLLOWING: PLEASE INDICATE YOUR FINDING OF THE

09:42AM

20

QUANTITY INVOLVED IN THE CONSPIRACY. THERE ARE THREE CHOICES.

09:42AM

21

"500 GRAMS OR MORE OF A MIXTURE OR SUBSTANCE

09:42AM

22

CONTAINING A DETECTABLE AMOUNT OF METHAMPHETAMINE OR 50 GRAMS

09:42AM

23

OR MORE OF ACTUAL METHAMPHETAMINE."

09:43AM

24

THE NEXT CHOICE IS "50 GRAMS OR MORE OF A MIXTURE

09:43AM

25

OR SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF METHAMPHETAMINE

CLOSING STATEMENT BY THE GOVERNMENT

1651

09:43AM 1 **OR FIVE GRAMS OR MORE OF ACTUAL METHAMPHETAMINE."**

09:43AM 2 **AND FINALLY, "LESS THAN 50 GRAMS OF A MIXTURE OR**
09:43AM 3 **SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF METHAMPHETAMINE**
09:43AM 4 **OR LESS THAN FIVE GRAMS OR MORE OF"--LET'S SEE.**

09:43AM 5 **COUNSEL, I THINK THE "OR MORE" SHOULD COME OUT.**
09:43AM 6 **DO YOU AGREE?**

09:43AM 7 **MR. GONZALEZ: YES, YOUR HONOR.**

09:43AM 8 **MR. WHALEN: YES, YOUR HONOR.**

09:43AM 9 **THE COURT: OKAY.**

09:43AM 10 **LADIES AND GENTLEMEN, IN THAT THIRD CHOICE, IT**
09:43AM 11 **SHOULD READ "OR LESS THAN FIVE GRAMS OF ACTUAL METHAMPHETAMINE."**
09:43AM 12 **JUST STRIKE THE "OR MORE" THERE.**

09:43AM 13 **OKAY. AND THE SAME FOR TIMOTHY LEDON BOWEN AND JUAN**
09:43AM 14 **CARLOS VEGA. IF YOU SHOULD FIND THEM GUILTY, THEN YOU WILL**
09:44AM 15 **NEED TO ANSWER THE DRUG QUANTITY THAT'S ATTRIBUTABLE TO THEM.**

09:44AM 16 **AND THE THIRD CHOICE, SHOULD YOU CHOOSE THAT, WOULD**
09:44AM 17 **INCLUDE THE OPTION OF "LESS THAN FIVE GRAMS OF ACTUAL**
09:44AM 18 **METHAMPHETAMINE."**

09:44AM 19 **OKAY, LADIES AND GENTLEMEN. WE'LL GO NOW TO FINAL**
09:44AM 20 **ARGUMENTS.**

09:44AM 21 **MS. BATSON FOR THE GOVERNMENT.**

09:44AM 22

09:44AM 23

09:44AM 24 **CLOSING STATEMENT ON BEHALF OF THE GOVERNMENT**

09:44AM 25 **MS. BATSON: MAY IT PLEASE THE COURT.**

CLOSING STATEMENT BY THE GOVERNMENT

1652

09:44AM 1 COUNSEL.

09:44AM 2 GOOD MORNING, LADIES AND GENTLEMEN OF THE JURY.

09:44AM 3 BEFORE I BEGIN, I, ALONG WITH THE OTHER MEMBERS OF
09:44AM 4 THE PROSECUTION TEAM, WOULD LIKE TO THANK YOU FOR THE TIME AND
09:44AM 5 ATTENTION THAT YOU HAVE GIVEN THIS CASE. IT'S BECAUSE OF YOUR
09:44AM 6 SERVICE AS JURORS THAT THE WHEELS OF JUSTICE CONTINUE TO TURN.
09:44AM 7 AND WE APPRECIATE THAT SERVICE.

09:44AM 8 NOW, AS YOU KNOW, THE DEFENDANTS IN THIS CASE--RENE
09:45AM 9 SALAZAR, TIMOTHY BOWEN AND JUAN CARLOS VEGA--ARE CHARGED WITH
09:45AM 10 CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE MORE THAN 500
09:45AM 11 GRAMS OF A MIXTURE OF METHAMPHETAMINE OR MORE THAN 50 GRAMS OF
09:45AM 12 ACTUAL METHAMPHETAMINE. AND THAT'S THE ICE METHAMPHETAMINE YOU
09:45AM 13 HEARD WAS MORE THAN 80 PERCENT PURE.

09:45AM 14 NOW, I SUBMIT TO YOU THAT THE GOVERNMENT HAS PROVEN
09:45AM 15 THIS CASE TO YOU BEYOND A REASONABLE DOUBT. AND HOW DID WE
09:45AM 16 DO THAT? WELL, WE DID IT THROUGH THE PRESENTATION OF PHYSICAL
09:45AM 17 EVIDENCE AND THE TESTIMONY OF THE WITNESSES. AND THROUGH
09:45AM 18 THE TESTIMONY OF THE WITNESSES YOU FOUND OUT THAT IN THIS
09:45AM 19 PARTICULAR CONSPIRACY THERE WERE TWO SOURCES OF SUPPLY WHO
09:45AM 20 WERE RESPONSIBLE FOR THE DISTRIBUTION OF THE METHAMPHETAMINE
09:45AM 21 IN THE SHERMAN-DENISON AREA.

09:45AM 22 YOU HEARD THAT ANDY NGUYEN WAS ONE OF THE SOURCES OF
09:45AM 23 SUPPLY. AND HIS SOURCE OF SUPPLY WAS PRIMO, WHO IS IN MEXICO.
09:45AM 24 AND IT WAS THROUGH PRIMO THAT--WHO DISTRIBUTED DRUGS TO RAMIRO
09:46AM 25 CAZARES AND THE DEFENDANT JUAN CARLOS VEGA, BECAUSE THEY WERE

CLOSING STATEMENT BY THE GOVERNMENT

1653

09:46AM 1 OVER HERE IN THE UNITED STATES. AND THEY WERE RESPONSIBLE
09:46AM 2 FOR DISTRIBUTING THE METHAMPHETAMINE TO ANDY NGUYEN AND HIS
09:46AM 3 ORGANIZATION.

09:46AM 4 AND THEN YOU HEARD ANDY NGUYEN'S RUNNERS WERE
09:46AM 5 RESPONSIBLE FOR DELIVERING THE METHAMPHETAMINE TO MANUEL
09:46AM 6 CAMACHO, WHO USED HIS SISTER AS A DRIVER TO DELIVER IT.
09:46AM 7 AND HE AND HIS SISTER DELIVERED IT TO RENE SALAZAR, WHO
09:46AM 8 WAS IDENTIFIED AS CHUCKY.

09:46AM 9 AND THEN YOU ALSO HEARD THAT MANUEL CAMACHO AND
09:46AM 10 HIS SISTER ALSO DELIVERED TO CHARLIE--WELL, ACTUALLY, TO RENE
09:46AM 11 SALAZAR AND HIS PARTNER, KENNETH HOUSE. BUT WHEN RENE SALAZAR
09:46AM 12 AND KENNETH HOUSE WERE LOCKED UP, MANUEL CAMACHO AND HIS SISTER
09:46AM 13 WOULD DELIVER TO CHARLIE. AND THEN YOU HEARD THAT WHEN CHARLIE
09:46AM 14 STARTED MESSING UP THAT THEY WOULD DELIVER TO ANDREA REEVES,
09:46AM 15 AND THEN THE WEB OF DISTRIBUTION CONTINUES.

09:46AM 16 AND THEN YOU ALSO HEARD THAT THE OTHER SOURCE
09:46AM 17 OF SUPPLY THAT WAS RESPONSIBLE FOR THE DISTRIBUTION OF THE
09:46AM 18 METHAMPHETAMINE TO SHERMAN WAS FERNANDO PERALES, WHO IS ALSO
09:47AM 19 KNOWN AS DOGG. AND HIS SOURCE OF SUPPLY WAS PELON. PELON
09:47AM 20 WOULD DELIVER THE METHAMPHETAMINE TO FERNANDO PERALES, WHO
09:47AM 21 WOULD THEN ALSO USE A RUNNER AND DELIVER TO RENE SALAZAR AND
09:47AM 22 HIS PARTNER, KENNETH HOUSE.

09:47AM 23 AGAIN, WHEN RENE SALAZAR AND KENNETH HOUSE WERE
09:47AM 24 LOCKED UP, THEN PERALES STARTED DELIVERING TO KISHA BOWEN AND
09:47AM 25 CHRISTINA HOUSE. AND IT WAS THROUGH THAT RELATIONSHIP WITH

CLOSING STATEMENT BY THE GOVERNMENT

1654

09:47AM 1 CHRISTINA HOUSE AND KISHA BOWEN THAT TIMOTHY BOWEN MET DOGG--
09:47AM 2 FERNANDO PERALES--AND STARTED OBTAINING METHAMPHETAMINE FROM
09:47AM 3 HIM AND TRAVELING WITH TREY TIBBS AS WELL TO OBTAIN THE
09:47AM 4 METHAMPHETAMINE FROM DOGG. SO THAT, LADIES AND GENTLEMEN,
09:47AM 5 IS HOW THIS CONSPIRACY WORKED.

09:47AM 6 AND WE PRESENTED THE TESTIMONY OF ANDY NGUYEN, ONE
09:47AM 7 OF THE SOURCES OF SUPPLY. AND WHAT DID HE TELL YOU? HE TOLD
09:47AM 8 YOU STRAIGHT-OUT THAT HE SOLD DRUGS FOR A LIVING, AND THAT
09:47AM 9 PRIMO WAS HIS INITIAL SOURCE OF SUPPLY, AND THAT PRIMO SENT THE
09:48AM 10 METHAMPHETAMINE FROM MEXICO, AND THAT MANUEL URBINA, AUGUSTINE
09:48AM 11 RODRIGUEZ AND MICHAEL HOANG WORKED FOR HIM, DELIVERING THE
09:48AM 12 METHAMPHETAMINE AND PICKING UP THE MONEY. HE KEPT THE PROCEEDS
09:48AM 13 AT HIS HOUSE, BUT HE DIDN'T KEEP DRUGS AT HIS HOUSE, BECAUSE
09:48AM 14 HE HAD A SEPARATE STASH LOCATION FOR HIS DRUGS. YOU HEARD THAT
09:48AM 15 HE LIVED IN AN APARTMENT RIGHT ACROSS THE STREET, I BELIEVE,
09:48AM 16 FROM NORTHPARK MALL.

09:48AM 17 ANDY NGUYEN ALSO TOLD YOU THAT THE METHAMPHETAMINE
09:48AM 18 HE WAS RECEIVING THAT CAME FROM PRIMO WAS DELIVERED BY ONE OF
09:48AM 19 PRIMO'S RUNNERS IN A SILVER TRUCK. AND THE SILVER TRUCK WAS
09:48AM 20 USED BY RAMIRO CAZARES. AND YOU HEARD AGENT MATA TELL YOU THAT
09:48AM 21 THROUGH HIS TESTIMONY. RAMIRO CAZARES AND THE DEFENDANT JUAN
09:48AM 22 CARLOS VEGA WOULD DELIVER THE METHAMPHETAMINE THAT CAME FROM
09:48AM 23 PRIMO, AND THAT METHAMPHETAMINE ENDED UP WITH MANUEL CAMACHO,
09:48AM 24 WHO WAS MIKE, IDENTIFIED TO YOU AS MIKE, AND HE WAS A CUSTOMER
09:48AM 25 OF ANDY NGUYEN. YOU HEARD THAT MIKE INITIALLY STARTED OUT

CLOSING STATEMENT BY THE GOVERNMENT

1655

09:49AM 1 BUYING ONE OUNCE OF METHAMPHETAMINE AND INCREASED TO ONE POUND
09:49AM 2 OF METHAMPHETAMINE AND THAT HE USED HIS SISTER PRISCILLA TO
09:49AM 3 HELP HIM DISTRIBUTE. AND, ALSO, YOU HEARD THAT SHE WAS TAKING
09:49AM 4 THIS METHAMPHETAMINE TO SHERMAN FOR MANUEL CAMACHO.

09:49AM 5 AND ANDY NGUYEN TOLD YOU THAT HE, ALONG WITH HIS
09:49AM 6 WORKERS, DELIVERED THE METHAMPHETAMINE TO BOTH MIKE AND
09:49AM 7 PRISCILLA. HE IDENTIFIED THE DEFENDANT RENE SALAZAR. HE
09:49AM 8 KNEW HIM BECAUSE SALAZAR GOT HIS METHAMPHETAMINE FROM MANUEL
09:49AM 9 CAMACHO, WHO WAS ANDY NGUYEN'S CUSTOMER. ONE OF THEM. HE SAID
09:49AM 10 THAT--ANDY NGUYEN SAID THAT SALAZAR SAID THAT MANUEL CAMACHO
09:49AM 11 WOULD DRIVE THE METHAMPHETAMINE TO SHERMAN. HE ACTUALLY TOLD
09:49AM 12 ANDY NGUYEN THAT. AND SALAZAR WAS WITH MANUEL CAMACHO ONE
09:49AM 13 TIME WHEN THEY WENT TO PICK UP THE METHAMPHETAMINE FROM ANDY
09:49AM 14 NGUYEN'S HOUSE, AND THAT ONE OF ANDY NGUYEN'S DRIVERS, MANUEL
09:49AM 15 URBINA, BROUGHT THE DRUGS OVER TO ANDY'S HOUSE FOR CAMACHO AND
09:49AM 16 SALAZAR WHEN THEY PICKED IT UP ON THAT OCCASION.

09:50AM 17 ANDY NGUYEN TOLD YOU THAT HE OWNED A BLACK HONDA
09:50AM 18 AND HE PUT THE TRAP, A HIDDEN COMPARTMENT, INSIDE OF THAT BLACK
09:50AM 19 HONDA ACCORD. AND HE SAID THAT PRIMO HAD CALLED HIM AND SAID
09:50AM 20 HE NEEDED A CAR SO HE COULD GIVE IT TO HIS WORKERS, AND HE SAID
09:50AM 21 THAT HE WANTED THAT BLACK HONDA BECAUSE IT ALREADY HAD THE TRAP
09:50AM 22 INSIDE. YOU HEARD THAT THE HONDA ACCORD WAS REGISTERED TO ANDY
09:50AM 23 NGUYEN'S SISTER-IN-LAW AND WAS SUBSEQUENTLY TRANSFERRED INTO
09:50AM 24 THE NAME OF RENE SALAZAR, BUT IT WAS AT THAT TIME REGISTERED
09:50AM 25 TO ANDY NGUYEN'S SISTER-IN-LAW.

CLOSING STATEMENT BY THE GOVERNMENT

1656

09:50AM 1 YOU HEARD THAT ANDY NGUYEN'S DRIVER DELIVERED TO A
09:50AM 2 GUY WITH A SILVER TRUCK, WHO WAS IDENTIFIED AS RAMIRO CAZARES.
09:50AM 3 AND RAMIRO CAZARES, AGAIN, IS ONE OF PRIMO'S RUNNERS. IT WAS
09:50AM 4 PRIMO WHO GAVE RAMIRO CAZARES THE BLACK HONDA THROUGH THE
09:50AM 5 INSTRUCTIONS TO ANDY NGUYEN. AND YOU HEARD THROUGH ANDY NGUYEN
09:50AM 6 THAT THE TOTAL DELIVERED--THAT HE DELIVERED TO MANUEL CAMACHO
09:50AM 7 FROM ABOUT 2010 TO 2011 WAS 20 TO 30 KILOGRAMS OF
09:51AM 8 METHAMPHETAMINE.

09:51AM 9 THEN YOU HEARD FROM MANUEL URBINA, AGAIN, ONE
09:51AM 10 OF ANDY NGUYEN'S RUNNERS. HE SAID THAT HE DELIVERED
09:51AM 11 METHAMPHETAMINE AND PICKED UP MONEY FOR ANDY NGUYEN; THAT
09:51AM 12 MICHAEL HOANG, WHO ALSO TESTIFIED BEFORE YOU, WAS ALSO
09:51AM 13 DELIVERING AND PICKING UP MONEY FOR ANDY NGUYEN. AND DURING
09:51AM 14 HIS INVOLVEMENT IN THIS CONSPIRACY, MANUEL URBINA STARTED
09:51AM 15 COOKING THE METHAMPHETAMINE. AND HE TOLD YOU THAT ONCE
09:51AM 16 THE METHAMPHETAMINE WAS CRYSTALIZED, HE WOULD PACKAGE THE
09:51AM 17 METHAMPHETAMINE AND FILL THE ORDERS THAT WERE COMING IN FROM
09:51AM 18 THE CUSTOMERS. AND HE TOLD YOU HE KNEW PRIMO WAS THE SOURCE
09:51AM 19 OF SUPPLY FOR THE LARGE QUANTITIES, AND HE KNEW THAT MANUEL
09:51AM 20 CAMACHO WAS KNOWN AS MIKE AND THAT MIKE WAS ONE OF THEIR
09:51AM 21 CUSTOMERS.

09:51AM 22 HE SAID THAT HE DELIVERED APPROXIMATELY EIGHT
09:51AM 23 OUNCES EVERY TWO DAYS TO MIKE, AND HE KNEW THAT MIKE'S
09:51AM 24 SISTER PRISCILLA HELPED MIKE DELIVER, AND HE DISTRIBUTED THE
09:51AM 25 METHAMPHETAMINE AND HE ACTUALLY DELIVERED METHAMPHETAMINE TO

CLOSING STATEMENT BY THE GOVERNMENT

1657

09:51AM 1 HER AS WELL. HE KNEW MANUEL WAS DELIVERING THE METHAMPHETAMINE
09:52AM 2 TO SHERMAN BECAUSE HE SAID HE WAS TAKING IT UP NORTH. AND
09:52AM 3 HE SAW MANUEL AND THE DEFENDANT RENE SALAZAR PICKING UP THE
09:52AM 4 METHAMPHETAMINE. HE, TOO, IDENTIFIED DEFENDANT SALAZAR. HE
09:52AM 5 TOLD MANUEL URBINA THAT HE DELIVERED SIX TO EIGHT OUNCES OF
09:52AM 6 METHAMPHETAMINE TWICE TO BOTH MIKE AND DEFENDANT SALAZAR.

09:52AM 7 AND THEN WHEN MIKE WENT TO JAIL, MANUEL URBINA
09:52AM 8 DEALT DIRECTLY WITH PRISCILLA, BUT, OF COURSE, IT WAS IN LESSER
09:52AM 9 AMOUNTS.

09:52AM 10 HE ALSO TOLD YOU THAT HE DELIVERED BETWEEN--AT LEAST
09:52AM 11 20 KILOGRAMS OF METHAMPHETAMINE TO BOTH MANUEL AND PRISCILLA
09:52AM 12 CAMACHO. AND HE SAID THAT BOTH HE AND HOANG WERE INTRODUCED TO
09:52AM 13 RAMIRO CAZARES, AND THAT HE'S THE ONE WHO DROPPED OFF THE HONDA
09:52AM 14 AND GAVE IT TO RAMIRO CAZARES, AND THAT RAMIRO CAZARES HAD THE
09:52AM 15 SILVER TRUCK. AND HE'S THE ONE WHO SHOWED RAMIRO CAZARES HOW
09:52AM 16 TO OPEN THE TRAP THAT ANDY NGUYEN HAD PUT IN THE HONDA.

09:53AM 17 AND THEN MR. HOANG TESTIFIED BEFORE YOU AND HE TOLD
09:53AM 18 YOU THAT HE WAS ANDY NGUYEN'S COUSIN AND HE STARTED DEALING
09:53AM 19 METHAMPHETAMINE IN NOVEMBER OF 2011. HE TOLD YOU THAT ANDY
09:53AM 20 LIVED IN AN APARTMENT NEAR NORTH PARK MALL, AND THAT HE WORKED
09:53AM 21 FOR ANDY DELIVERING METHAMPHETAMINE AND COLLECTING MONEY. HE
09:53AM 22 ALSO KNEW THAT PRIMO WAS ANDY'S SOURCE OF SUPPLY, PRIMO LIVED
09:53AM 23 IN MEXICO, AND THAT PRIMO WAS DELIVERING THE METHAMPHETAMINE
09:53AM 24 TO CAZARES, WHO WAS THE DRIVER OF THE SILVER TRUCK. HE, TOO,
09:53AM 25 STARTED COOKING METHAMPHETAMINE DURING HIS TIME WITH THE

8302
CLOSING STATEMENT BY THE GOVERNMENT

1658

09:53AM 1 CONSPIRACY, AND HE WOULD DUMP THE METHAMPHETAMINE INTO THE
09:53AM 2 COOLERS, WAITING FOR IT TO CRYSTALLIZE, AND THEN GET IT READY
09:53AM 3 FOR DISTRIBUTION. HE KNEW, ALSO, THAT MANUEL CAMACHO WAS KNOWN
09:53AM 4 AS MIKE AND THAT HE WAS ONE OF ANDY'S CUSTOMERS. HE TOLD YOU
09:53AM 5 THAT AUGUSTINE RODRIGUEZ AND MANUEL URBINA WORKED FOR CAMACHO
09:53AM 6 IN THE SAME CAPACITY THAT HE DID, DELIVERING METHAMPHETAMINE
09:53AM 7 AND PICKING UP MONEY. HE HAD ACCESS TO NGUYEN'S APARTMENT,
09:54AM 8 AND HE DELIVERED METHAMPHETAMINE TO PRISCILLA CAMACHO AT LEAST
09:54AM 9 TWICE A WEEK. AND HE TOLD LAW ENFORCEMENT WHERE THERE WAS
09:54AM 10 METHAMPHETAMINE LOCATED IN A PARK THAT WAS NEAR NORTHPARK
09:54AM 11 MALL. AND WE SHOWED YOU A PHOTOGRAPH OF THE RECOVERY OF THAT
09:54AM 12 METHAMPHETAMINE.

09:54AM 13 THEN YOU HEARD FROM MIKE CAMACHO. HE TOLD YOU THAT
09:54AM 14 HE KNEW ANDY NGUYEN AND THAT IN 2010 ANDY NGUYEN HAD APPROACHED
09:54AM 15 HIM AND ASKED HIM TO GET RID OF THE ICE METHAMPHETAMINE. HE
09:54AM 16 SAID THEN DEFENDANT SALAZAR APPROACHED HIM ON THE OTHER END
09:54AM 17 AND ASKED HIM IF HE KNEW ANYONE FROM WHOM HE COULD GET
09:54AM 18 METHAMPHETAMINE. SO MIKE CAMACHO MET WITH ANDY AT A
09:54AM 19 RESTAURANT, OBTAINED THE METHAMPHETAMINE, AND INITIALLY HE SOLD
09:54AM 20 DEFENDANT SALAZAR ONE OUNCE OF METHAMPHETAMINE THE FIRST TIME.
09:54AM 21 HE TOLD YOU THAT HE WAS PAYING \$900 TO ANDY FOR HIS OUNCE OF
09:54AM 22 METHAMPHETAMINE, BUT HE RESOLD IT TO DEFENDANT SALAZAR FOR
09:54AM 23 \$1,050. HE AGAIN TOLD YOU THE SECOND TIME HE SOLD ONE OUNCE
09:55AM 24 OF METHAMPHETAMINE TO DEFENDANT SALAZAR.

09:55AM 25 HE KNEW SALAZAR WAS SELLING THE METHAMPHETAMINE TO

CLOSING STATEMENT BY THE GOVERNMENT

1659

09:55AM 1 SHERMAN. AS HE WAS DEALING WITH DEFENDANT SALAZAR, THE AMOUNTS
09:55AM 2 INCREASED TO TWO OUNCES, AND HE TOLD YOU THAT HE WAS MEETING
09:55AM 3 DEFENDANT SALAZAR ONE TO TWO TIMES PER WEEK, DELIVERING TWO
09:55AM 4 OUNCES INITIALLY, AND THEN HE SAID IT WAS ABOUT A TOTAL OF ONE
09:55AM 5 POUND INITIALLY AND THE AMOUNTS INCREASED. HE SAID HE WOULD
09:55AM 6 MEET WITH SALAZAR IN VAN ALSTYNE AND DENISON. AND, AGAIN, THE
09:55AM 7 AMOUNTS INCREASED FROM A QUARTER-POUND, WHICH IS ABOUT FOUR
09:55AM 8 OUNCES, WHICH IS EQUAL TO 112 GRAMS. HE SAID, OF COURSE, IT
09:55AM 9 INCREASED TO THE POUND OR MORE THAT MIKE CAMACHO WAS DELIVERING
09:55AM 10 TO DEFENDANT SALAZAR. HE SAID ALSO THEY WOULD MEET AT A TACO
09:55AM 11 BELL OR A GAS STATION IN DENISON TO CONDUCT THESE TRANSACTIONS.

09:55AM 12 MANUEL CAMACHO TOLD YOU THAT HIS SISTER HELPED
09:55AM 13 HIM TRANSPORT THE METHAMPHETAMINE TO SHERMAN, BUT WHEN SHE
09:56AM 14 TRANSPORTED THE METHAMPHETAMINE, HE WAS THE ONE TO COLLECT THE
09:56AM 15 MONEY FROM CUSTOMERS. HE KNEW THAT SALAZAR HAD MOVED INTO A
09:56AM 16 HOUSE ON DAY STREET, AND HE STARTED DELIVERING TO HIM AT THAT
09:56AM 17 HOUSE TWO TO THREE TIMES A WEEK.

09:56AM 18 HE SAW ANDREA REEVES. HE KNEW SHE WAS SALAZAR'S
09:56AM 19 GIRLFRIEND. AND HE SOLD HER METHAMPHETAMINE.

09:56AM 20 HE KNEW CHARLES QUIROLO WAS THE DEFENDANT SALAZAR'S
09:56AM 21 NEIGHBOR, AND HE SOLD TO CHARLIE ONCE BEFORE SALAZAR WENT TO
09:56AM 22 JAIL. AND AFTER SALAZAR WENT TO JAIL, HE SOLD TO CHARLIE FOUR
09:56AM 23 OUNCES WEEKLY FOR ABOUT TWO MONTHS. AND HE KNEW THAT KENNETH
09:56AM 24 HOUSE WAS DEFENDANT SALAZAR'S PARTNER IN THE DRUG BUSINESS,
09:56AM 25 AND HE MET HOUSE THROUGH DEFENDANT SALAZAR. HE KNEW--ONCE

CLOSING STATEMENT BY THE GOVERNMENT

1660

09:56AM 1 HE STARTED DELIVERING TO CHARLIE, WHEN SALAZAR AND HOUSE WERE
09:56AM 2 IN CUSTODY, CHARLIE WAS HANDLING THE BUSINESS AND HE STARTED
09:56AM 3 MESSING UP. AND SO HE TOLD YOU THAT IT WAS BOBBY JAMES, TREY
09:57AM 4 TIBBS AND MELISSA STEWART THAT COMPLAINED TO HIM ABOUT THE WAY
09:57AM 5 CHARLIE WAS HANDLING THE BUSINESS. SO MIKE CUT CHARLIE OUT AND
09:57AM 6 STARTED DELIVERING DIRECTLY. AND HE KNEW THAT MELISSA STEWART
09:57AM 7 WAS GETTING METHAMPHETAMINE FOR BOBBY JAMES AT A RATE OF ONE
09:57AM 8 OUNCE TWO TO THREE TIMES PER WEEK.

09:57AM 9 HE TOLD YOU THAT TREY TIBBS WAS ALSO RECEIVING ONE
09:57AM 10 OUNCE TWICE A WEEK, AND HE MET TREY TIBBS THE FIRST TIME WHEN
09:57AM 11 HE WAS AT DEFENDANT SALAZAR'S HOUSE.

09:57AM 12 HE TOLD YOU THAT PRISCILLA, HIS SISTER, DISTRIBUTED
09:57AM 13 FOUR OUNCES TO KENNETH HOUSE, WHO WAS DEFENDANT SALAZAR'S
09:57AM 14 PARTNER. HE KNEW THAT CHRISTINA HOUSE WAS KENNETH HOUSE'S
09:57AM 15 WIFE. HE TOLD YOU THAT HE DISTRIBUTED APPROXIMATELY 58
09:57AM 16 POUNDS OF METHAMPHETAMINE PRIOR TO HIS INCARCERATION, AND
09:57AM 17 HE DISTRIBUTED TO BOTH SALAZAR AND HOUSE DURING THIS TIME.
09:57AM 18 KENNETH HOUSE. AND HE TOLD YOU THAT THREE-FOURTHS OF THIS 58
09:57AM 19 POUNDS THAT HE OR HIS SISTER PRISCILLA DISTRIBUTED TO EITHER
09:57AM 20 DEFENDANT SALAZAR OR HIS PARTNER, KENNETH HOUSE--THREE-FOURTHS
09:57AM 21 OF THAT 58 POUNDS WENT TO THEM. AND THAT EQUALS ABOUT 43.5
09:58AM 22 POUNDS OF METHAMPHETAMINE.

09:58AM 23 THEN NEXT YOU HEARD FROM FERNANDO PERALES,
09:58AM 24 ALSO KNOWN AS DOGG. HE TOLD YOU THAT HE STARTED DEALING
09:58AM 25 METHAMPHETAMINE IN 2011, AND HIS SOURCE OF SUPPLY WAS PELON.

CLOSING STATEMENT BY THE GOVERNMENT

1661

09:58AM 1 AND HE WAS INITIALLY RUNNING DRUGS FOR PELON, AND HE STASHED
09:58AM 2 APPROXIMATELY ONE POUND--A KILOGRAM OF METHAMPHETAMINE A WEEK
09:58AM 3 AT HIS HOUSE, AND THAT HE LIVED IN DUNCANVILLE, AND HE WAS
09:58AM 4 DISTRIBUTING PROBABLY ONE TO TWO POUNDS PER WEEK.

09:58AM 5 HE MET KENNETH HOUSE THROUGH AMANDA. AND THAT'S
09:58AM 6 THE SAME THING KENNETH HOUSE TOLD YOU IN HIS TESTIMONY. IT WAS
09:58AM 7 THROUGH A FEMALE NAMED AMANDA THAT HE MET DOGG. AND FERNANDO
09:58AM 8 TOLD YOU THAT HE STARTED SELLING IN 2011. HE DELIVERED
09:58AM 9 METHAMPHETAMINE TO KENNETH HOUSE AT DIFFERENT LOCATIONS IN
09:58AM 10 PLANO. HE DELIVERED EIGHT OUNCES TO A POUND A WEEK TO KENNETH
09:58AM 11 HOUSE. HE UTILIZED A RUNNER WHOSE NAME WAS BEN. HE CALLED
09:59AM 12 HIM "BO." AND THAT HE KNEW KENNETH HOUSE WAS ALSO MARRIED TO
09:59AM 13 CHRISTINA HOUSE, AND THAT HE KNEW KENNETH HOUSE DROVE A WHITE
09:59AM 14 TRUCK. AND THAT'S THE SAME WHITE TRUCK YOU SAW IN PHOTOGRAPHS
09:59AM 15 DURING KENNETH HOUSE'S ARREST. HE TOLD YOU THAT HE KNEW
09:59AM 16 KENNETH HOUSE WAS DELIVERING METHAMPHETAMINE IN THE SHERMAN
09:59AM 17 AND DENISON AREAS, AND HE KNEW THAT KENNETH HOUSE AND DEFENDANT
09:59AM 18 SALAZAR WERE PARTNERS. HE SAID THAT KENNETH HOUSE TOLD HIM
09:59AM 19 THAT THE METHAMPHETAMINE WAS FOR HIM AND HIS PARTNER SALAZAR,
09:59AM 20 AND THAT HE KNEW THE DEFENDANT WAS ALSO CALLED "CHUCKY." HE
09:59AM 21 STARTED DISTRIBUTING TO CHUCKY WHEN KENNETH HOUSE WENT TO JAIL.
09:59AM 22 HE WAS DELIVERING ABOUT FOUR OUNCES TO CHUCKY FIVE TO 10 TIMES.
09:59AM 23 AND THAT HE MET DEFENDANT SALAZAR IN DUNCANVILLE, WHERE HE
09:59AM 24 LIVED, AND GAVE HIM THAT METHAMPHETAMINE OR SOLD HIM THAT
09:59AM 25 METHAMPHETAMINE.

CLOSING STATEMENT BY THE GOVERNMENT

1662

09:59AM 1 HE SAID HE STARTED DISTRIBUTING TO CHRISTINA HOUSE
09:59AM 2 ONCE FLIP, HER HUSBAND, WAS ARRESTED, BUT HE SOLD SMALLER
09:59AM 3 AMOUNTS TO CHRISTINA HOUSE. AND HE KNEW THAT CHRISTINA
10:00AM 4 HOUSE WAS TRAVELING WITH DEFENDANT TIM BOWEN'S SISTER-IN-LAW.
10:00AM 5 AND HE IDENTIFIED A PICTURE OF KISHA BOWEN AS TIM BOWEN'S
10:00AM 6 SISTER-IN-LAW. AND HE SAID HE MET KISHA BOWEN THROUGH
10:00AM 7 CHRISTINA HOUSE, WHO IS FLIP'S WIFE. THEN, THROUGH THAT
10:00AM 8 RELATIONSHIP, HE MET DEFENDANT TIM BOWEN. THROUGH THE
10:00AM 9 RELATIONSHIP WITH CHRISTINA HOUSE AND KISHA BOWEN, HE MET TIM
10:00AM 10 BOWEN. HE SAID HE MET KISHA FIRST, WHICH WE SHOWED YOU THROUGH
10:00AM 11 THE TESTIMONY, BECAUSE SHE WAS TRAVELING WITH CHRISTINA HOUSE
10:00AM 12 AT THAT INTRODUCTION, THEN HE MET KIM BOWEN. HE TOLD YOU
10:00AM 13 THAT KISHA BOWEN TRAVELED AFTER THAT WITH TIM BOWEN TO GET
10:00AM 14 THE METHAMPHETAMINE. HE WAS DELIVERING, AGAIN, THREE TO
10:00AM 15 FOUR OUNCES INITIALLY, AND THEN BOWEN STARTED TRAVELING TO
10:00AM 16 HIM AND HIS DRIVER. HE WAS GOING THERE AND THEY WERE DRIVING
10:00AM 17 MULTIPLE VEHICLES. THEY WERE DRIVING THE DODGE CHARGER. HE
10:00AM 18 TOLD YOU ABOUT HE REMEMBERED FOUR-DOOR COROLLAS. HE TOLD YOU
10:01AM 19 THAT BOWEN STARTED TRAVELING WITH TREY TIBBS, WHO WAS ALSO
10:01AM 20 KNOWN AS DOUBLE, AND THAT HE WAS SUPPLYING DEFENDANT BOWEN
10:01AM 21 AND DOUBLE FIVE TO SIX OUNCES PER WEEK INITIALLY, AND IT WAS
10:01AM 22 INCREASED TO NINE TO 10 OUNCES PER WEEK. AND HE KNEW THAT
10:01AM 23 DEFENDANT BOWEN AND TREY TIBBS--"DOUBLE"--WERE DELIVERING
10:01AM 24 THE METHAMPHETAMINE TO THE SHERMAN AREA.

10:01AM 25 THEN NEXT YOU HEARD FROM PRISCILLA CAMACHO. SHE

CLOSING STATEMENT BY THE GOVERNMENT

1663

10:01AM 1 TOLD YOU THAT SHE STARTED DISTRIBUTING METHAMPHETAMINE IN 2011,
10:01AM 2 AND SHE WAS DRIVING AND DELIVERING FOR HER BROTHER, AND THAT
10:01AM 3 SHE DROVE TO THE MCKINNEY AND DENISON AREAS TO DELIVER FOR HIM.
10:01AM 4 AND SHE SAID THAT ANDY NGUYEN WAS HER SOURCE OF SUPPLY FOR THIS
10:01AM 5 METHAMPHETAMINE, AND ANDY NGUYEN HAD RUNNERS WHO DELIVERED
10:01AM 6 FOR HIM. AND SHE IDENTIFIED THOSE TWO RUNNERS THAT TESTIFIED
10:01AM 7 BEFORE YOU AS WORKING FOR ANDY NGUYEN. SHE TOLD YOU THAT SHE
10:01AM 8 PICKED UP THE METHAMPHETAMINE FROM ANDY NGUYEN'S RUNNERS NEAR
10:01AM 9 THE NORTHPARK MALL.

10:02AM 10 SHE TOLD YOU THAT SHE DELIVERED METHAMPHETAMINE TO
10:02AM 11 KENNETH HOUSE, HIS RESIDENCE, BECAUSE KENNETH HOUSE WAS ON AN
10:02AM 12 ANKLE MONITOR. AND WHEN SHE DID THAT, CHRISTINA HOUSE AND
10:02AM 13 DEFENDANT SALAZAR WERE PRESENT. AND SHE TOLD YOU SHE ALSO
10:02AM 14 DELIVERED TO DEFENDANT RENE SALAZAR'S HOUSE, WHICH WAS ON DAY
10:02AM 15 STREET, AND THAT ANDREA REEVES, HIS GIRLFRIEND, WAS PRESENT
10:02AM 16 AT THAT LOCATION. SHE SAID THAT WHEN SHE DELIVERED TO KENNETH
10:02AM 17 HOUSE, HE AND DEFENDANT SALAZAR SPLIT THE METHAMPHETAMINE 50/50
10:02AM 18 BECAUSE THEY WERE PARTNERS. AND SHE SAID WHEN KENNETH HOUSE
10:02AM 19 WENT TO JAIL, SHE CONTINUED TO DELIVER TO DEFENDANT RENE SALAZAR.
10:02AM 20 AND WHEN BOTH SALAZAR AND KENNETH HOUSE WERE IN JAIL, THEN SHE
10:02AM 21 DELIVERED TO CHARLIE QUIROLO, AND SHE DID THAT FOR ABOUT TWO
10:02AM 22 MONTHS.

10:02AM 23 AND SHE SAID THAT PRIOR TO SALAZAR GOING TO JAIL
10:02AM 24 THAT HE STORED HIS DRUGS AT ANOTHER HOUSE. AND THAT'S THE
10:02AM 25 SAME THING THAT CHARLIE QUIROLO TOLD YOU. SHE SAID THAT

CLOSING STATEMENT BY THE GOVERNMENT

1664

10:02AM 1 SHE DELIVERED TO BOBBY JAMES, WHO IS ANOTHER COCONSPIRATOR,
10:02AM 2 APPROXIMATELY ONE TIME, AND THAT WHEN HER BROTHER WENT TO JAIL,
10:03AM 3 SHE STARTED DEALING FOR HERSELF FROM JANUARY 2012 TO MARCH
10:03AM 4 2012. AND THIS--AGAIN, SHE'S GETTING THE DRUGS FROM ANDY
10:03AM 5 NGUYEN, WHO IS GETTING THEM FROM PRIMO.

10:03AM 6 AND IT WAS ABOUT THIS TIME THAT RAMIRO CAZARES AND
10:03AM 7 JUAN CARLOS VEGA ENTERED THIS PARTICULAR CONSPIRACY, AND THEY
10:03AM 8 WERE DISTRIBUTING TO PRISCILLA CAMACHO.

10:03AM 9 SHE TOLD YOU THAT SHE DISTRIBUTED TO ANDREA REEVES,
10:03AM 10 BRENDA REEVES, WHICH IS ANDREA REEVES' STEPMOTHER, AND MELISSA
10:03AM 11 STEWART AND SHANNON ASKEW. SHE TOLD YOU THAT ALL OF HER
10:03AM 12 CUSTOMERS PAID UP FRONT AND SHE DIDN'T FRONT ANY METHAMPHETAMINE
10:03AM 13 OUT, AND THAT ANDY NGUYEN WAS CHARGING BETWEEN FOUR AND SEVEN
10:03AM 14 HUNDRED DOLLARS AN OUNCE, AND SHE WAS RESELLING TO HER CUSTOMERS
10:03AM 15 IN SHERMAN FOR \$1400 AN OUNCE.

10:03AM 16 THEN YOU HEARD FROM BOBBY JOE JAMES. HE TOLD YOU
10:03AM 17 THAT HE STARTED DEALING IN THIS PARTICULAR CONSPIRACY IN
10:04AM 18 OCTOBER OF 2010. HE TOLD YOU THAT KENNETH HOUSE WAS HIS SOURCE
10:04AM 19 OF SUPPLY, AND HE WAS GETTING ABOUT ONE OUNCE TO A QUARTER-POUND
10:04AM 20 OF METHAMPHETAMINE EVERY DAY; THAT HE INITIALLY WORKED FOR
10:04AM 21 HOUSE, KENNETH HOUSE, MAKING \$500 A DAY FOR DELIVERING THE
10:04AM 22 METHAMPHETAMINE. AND THAT WHEN HE WENT TO HOUSE'S RESIDENCE,
10:04AM 23 TREY TIBBS WAS PRESENT, AND HE KNEW TREY TIBBS AS DOUBLE, AND
10:04AM 24 THAT DOUBLE ALSO WORKED FOR HOUSE, AND THAT KENNETH'S WIFE--
10:04AM 25 I SHOULD SAY KENNETH HOUSE'S WIFE WAS PRESENT.

CLOSING STATEMENT BY THE GOVERNMENT

1665

10:04AM 1 HE TOLD YOU THAT DEFENDANT SALAZAR WAS KENNETH
10:04AM 2 HOUSE'S PARTNER IN THE DRUG BUSINESS, IN THE METHAMPHETAMINE
10:04AM 3 BUSINESS, AND THAT HE GOT METHAMPHETAMINE FROM DEFENDANT
10:04AM 4 SALAZAR WHEN HOUSE WAS UNAVAILABLE. HE SAID HE WENT TO
10:04AM 5 SALAZAR'S HOUSE ON DAY STREET TO MEET WITH SALAZAR, AND CHARLIE
10:04AM 6 AND ANDREA WERE PRESENT. HE KNEW THAT CHARLIE LIVED NEXT DOOR
10:04AM 7 TO SALAZAR AND STASHED METHAMPHETAMINE FOR SALAZAR. HE TOLD
10:05AM 8 YOU HE KNEW THAT ANDREA REEVES WAS HOUSE'S GIRLFRIEND, AND
10:05AM 9 THAT HE KNEW DOGG WAS HOUSE'S FIRST SOURCE OF SUPPLY.

10:05AM 10 HE TOLD YOU THAT HE KNEW MIKE CAMACHO WAS HOUSE'S
10:05AM 11 SECOND SOURCE OF SUPPLY, THAT WHEN THEY COULDN'T GET IT FROM
10:05AM 12 DOGG, THAT THEY WENT TO DUNCANVILLE IN ORDER TO GET IT. AND
10:05AM 13 THAT ONCE THEY STARTED GETTING IT FROM MIKE CAMACHO, THAT IT
10:05AM 14 WAS MIKE'S SISTER PRISCILLA THAT HELPED MIKE DISTRIBUTE. THEY
10:05AM 15 WOULD MEET PRISCILLA OR MIKE IN VAN ALSTYNE WHEN KENNETH HOUSE
10:05AM 16 AND DEFENDANT SALAZAR WERE INCARCERATED.

10:05AM 17 HE TOLD YOU THAT CHARLIE SUPPLIED IT FROM HIS HOUSE
10:05AM 18 FOR A COUPLE OF MONTHS, AND THAT ONCE CHARLIE STARTED MESSING
10:05AM 19 UP, ANDREA REEVES TOOK OVER AND STARTED DELIVERING TO HIM.

10:05AM 20 AND THEN YOU HEARD FROM CHARLES QUIROLO, CHARLIE.
10:05AM 21 HE TOLD YOU THAT HE LIVED ON DAY STREET IN DENISON AND THAT HE
10:05AM 22 MET THE DEFENDANT RENE SALAZAR--CHUCKY--IN ABOUT 2011. HE TOLD
10:06AM 23 YOU WHEN HE FIRST MET HIM THAT DEFENDANT SALAZAR WAS LIVING IN
10:06AM 24 AN APARTMENT BEHIND HIS SISTER'S HOUSE AND THAT DEFENDANT
10:06AM 25 SALAZAR MOVED IN QUIROLO'S MOTHER'S RENT HOUSE ON DAY STREET,

CLOSING STATEMENT BY THE GOVERNMENT

1666

10:06AM 1 WHICH WAS RIGHT NEXT DOOR TO WHERE HE LIVED, WITH ANDREA
10:06AM 2 REEVES. THAT OCCURRED, THROUGH OTHER TESTIMONY, IN ABOUT JUNE
10:06AM 3 OF 2011.

10:06AM 4 HE TOLD YOU THAT HE WORKED FOR SALAZAR, DELIVERING
10:06AM 5 METHAMPHETAMINE TO CUSTOMERS, AND THAT THE CUSTOMERS WERE TREY
10:06AM 6 TIBBS, BOBBY JAMES AND MELISSA STEWART, OR MISSY. AND THAT HE
10:06AM 7 ALSO WEIGHED THE METHAMPHETAMINE FOR DEFENDANT SALAZAR. HE
10:06AM 8 TOLD YOU HE WEIGHED AT BOTH DAY STREET HOUSES, AND HE WEIGHED
10:06AM 9 AND STORED AT ANOTHER LOCATION WHICH WE SHOWED TO YOU, AND HE
10:06AM 10 IDENTIFIED THAT HOUSE AS BEING NOW OWNED BY SALAZAR'S MOTHER.
10:06AM 11 HE TOLD YOU THAT SALAZAR ALWAYS PAID HIM WITH METHAMPHETAMINE.
10:06AM 12 CHARLIE QUIROLO TOLD YOU THAT HE HAD BEEN A USER OF
10:06AM 13 METHAMPHETAMINE FOR ABOUT 12 YEARS AND THAT KENNETH HOUSE
10:06AM 14 HELPED HIM WITH THAT SUPPLY--WITH THAT ADDICTION BY SUPPLYING
10:07AM 15 HIM THE METHAMPHETAMINE.

10:07AM 16 HE SAID HE KNEW KENNETH HOUSE AND SALAZAR WERE
10:07AM 17 PARTNERS IN THE METHAMPHETAMINE BUSINESS. HE TOLD YOU THAT
10:07AM 18 HOUSE--KENNETH HOUSE INTRODUCED DEFENDANT SALAZAR TO MIKE--
10:07AM 19 MIKE CAMACHO--AND HE KNEW THAT MIKE WAS THE SOURCE OF SUPPLY
10:07AM 20 FOR HOUSE AND DEFENDANT SALAZAR AND THAT MIKE'S SISTER HELPED
10:07AM 21 MIKE DISTRIBUTE THAT METHAMPHETAMINE TO BOTH SALAZAR AND HOUSE.

10:07AM 22 HE TOLD YOU THAT SALAZAR WOULD GET RID OF THE
10:07AM 23 METHAMPHETAMINE APPROXIMATELY 30 MINUTES AFTER THEY RECEIVED
10:07AM 24 IT. HE TOLD YOU THAT WHILE HE WAS WEIGHING IT OUT AND
10:07AM 25 REPACKAGING IT IN THE BAGS FOR DISTRIBUTION THAT DEFENDANT

CLOSING STATEMENT BY THE GOVERNMENT

1667

10:07AM 1 SALAZAR WAS ON THE PHONE, CALLING CUSTOMERS, TELLING THEM THAT
10:07AM 2 THE METHAMPHETAMINE WAS THERE, AND THAT THE CUSTOMERS WERE
10:07AM 3 COMING IMMEDIATELY TO PICK IT UP.

10:07AM 4 HE ALSO TOLD YOU THAT SALAZAR WOULD PAY CHRISTINA
10:07AM 5 HOUSE'S BILLS WHILE KENNETH HOUSE WAS IN JAIL, THAT THEY HAD
10:07AM 6 THAT ARRANGEMENT. THAT BECAUSE THEY WERE PARTNERS, DEFENDANT
10:08AM 7 SALAZAR AND HOUSE, THEY WOULD TAKE CARE OF EACH OTHER'S
10:08AM 8 FAMILIES IF ONE OF THEM WERE INCARCERATED. AND THAT IF BOTH
10:08AM 9 OF THEM WERE INCARCERATED, THEN MIKE ENDED UP PAYING CHRISTINA
10:08AM 10 HOUSE'S BILLS. AND THEN ALSO WHEN SALAZAR AND HOUSE WERE IN
10:08AM 11 JAIL, MIKE PAID ANDREA REEVES, DEFENDANT SALAZAR'S GIRLFRIEND--
10:08AM 12 HE PAID HER BILLS. AND THEN WE ALSO HEARD THAT ONCE DEFENDANT
10:08AM 13 SALAZAR WAS IN JAIL, CHARLIE WOULD CONTINUE DISTRIBUTING
10:08AM 14 THE METHAMPHETAMINE TO KENNETH HOUSE AND DEFENDANT SALAZAR'S
10:08AM 15 CUSTOMERS. CUSTOMERS STARTED COMPLAINING, SO MIKE QUIT DEALING
10:08AM 16 WITH HIM, AND THEN MIKE STARTED DEALING WITH ANDREA REEVES.

10:08AM 17 AND THEN YOU HEARD FROM ANDREA REEVES. AND SHE TOLD
10:08AM 18 YOU SHE DATED DEFENDANT SALAZAR. SHE IDENTIFIED HIM, AS WELL,
10:08AM 19 AS CHUCKY. THAT THEY STARTED DATING IN MAY, BUT THEN THEY
10:08AM 20 MOVED IN TOGETHER INTO A HOUSE ON DAY STREET IN JUNE OF 2011.
10:08AM 21 SHE TOLD YOU SHE SUSPECTED THAT THE DEFENDANT RENE SALAZAR WAS
10:08AM 22 DEALING DRUGS BECAUSE HE ALWAYS HAD MONEY, HE WAS UNEMPLOYED,
10:09AM 23 AND HE DISAPPEARED FOR VARIOUS TIMES. AND SHE ASKED SALAZAR,
10:09AM 24 YOU KNOW, WHAT'S UP, AND HE ADMITTED THAT HE WAS DISTRIBUTING
10:09AM 25 METHAMPHETAMINE TO HIM. SHE TOLD HIM, "PLEASE DON'T DO IT

CLOSING STATEMENT BY THE GOVERNMENT

1668

1 AROUND MY KIDS." BUT THEN SHE TOLD YOU HE KEPT DOING IT
2 BECAUSE HE ALWAYS HAD MONEY, HE DIDN'T HAVE A JOB, AND HE
3 KEPT DISAPPEARING.

4 AND SHE TOLD YOU THAT CHARLIE QUIROLO LIVED NEXT
5 DOOR TO THEM AT THE DAY STREET RESIDENCE AND THAT CHARLIE'S
6 JOB WAS DISTRIBUTING AND WEIGHING FOR SALAZAR, AND THAT SHE MET
7 MIKE CAMACHO THROUGH DEFENDANT SALAZAR, MIKE CAMACHO BEING THE
8 SOURCE OF SUPPLY. AND SHE TOLD YOU THAT MIKE CAMACHO DELIVERED
9 TWO OUNCES AT A TIME TO THEM, THAT SHE WAS AWARE OF, AND THAT
10 WHEN SALAZAR WENT TO JAIL, MIKE PAID THE BILLS FOR HER.

11 SHE IDENTIFIED THE CUSTOMERS THAT DEFENDANTS SALAZAR
12 AND HOUSE WERE DELIVERING TO: TREY TIBBS, OR DOUBLE, SHANNON
13 ASKEW, MELISSA STEWART AND BOBBY JAMES. AND THEN, WHEN SALAZAR
14 WENT TO JAIL, CHARLIE STARTED MESSING UP. WHILE
15 SHE WAS TALKING TO SALAZAR, HE ASKED HER IF SHE COULD START
16 SELLING. AND IT WAS AFTER THAT THAT SHE CALLED MIKE AND
17 STARTED DISTRIBUTING.

18 SO, LADIES AND GENTLEMEN, WHAT YOU HAVE THERE IS THE
19 DEFENDANT SALAZAR IS IN CUSTODY, HE'S STILL GOING ON WITH HIS
20 BUSINESS. HE KNOWS THAT CHARLIE IS RUNNING THE BUSINESS, HE
21 KNOWS THAT CHARLIE IS MESSING UP, AND SO, IN ORDER TO KEEP HIS
22 CUSTOMERS HAPPY, FROM JAIL HE ASKED ANDREA REEVES TO TAKE OVER
23 THE DISTRIBUTION OF HIS ORGANIZATION.

24 ANDREA REEVES TELLS YOU THAT SHE MET EITHER MIKE OR
25 PRISCILLA AT A WHATABURGER OR MCDONALD'S IN MCKINNEY, OR AT

CLOSING STATEMENT BY THE GOVERNMENT

1669

10:10AM 1 THEIR HOUSE, AND SHE STARTED RECEIVING ONE TO TWO OUNCES AT
10:10AM 2 THAT TIME, THEN SHE STARTED RECEIVING TWO OUNCES TWO OR THREE
10:10AM 3 TIMES A WEEK. AND SHE WAS ARRESTED. SHE WAS CAUGHT WITH WHAT
10:10AM 4 PRISCILLA HAD DISTRIBUTED--PRISCILLA CAMACHO HAD DISTRIBUTED
10:11AM 5 TO HER. AND YOU HEARD THAT IT WAS FOUND IN A WHATABURGER CUP,
10:11AM 6 WHICH IS CONSISTENT WITH THE LOCATION WHERE THEY MET.

10:11AM 7 THEN YOU HEARD FROM KENNETH HOUSE, WHO WAS DEFENDANT
10:11AM 8 SALAZAR'S PARTNER IN THE METHAMPHETAMINE BUSINESS. AND HE TOLD
10:11AM 9 YOU THAT HE KNEW THAT DEFENDANT SALAZAR WAS DISTRIBUTING
10:11AM 10 METHAMPHETAMINE. AND ONCE KENNETH HOUSE STARTED DISTRIBUTING,
10:11AM 11 HE STARTED SELLING AS MUCH AS SALAZAR. AND SO, SO THEY
10:11AM 12 WOULDN'T BUTT HEADS, HE APPROACHES THE DEFENDANT SALAZAR AND
10:11AM 13 ASKED HIM DID HE WANT TO ENTER INTO A PARTNERSHIP. AND SALAZAR
10:11AM 14 AGREED.

10:11AM 15 AT THAT TIME, HOUSE'S SOURCE OF SUPPLY WAS FERNANDO,
10:11AM 16 ALSO KNOWN AS DOGG. HE TOLD YOU THAT HE MET DOGG WHEN HE
10:11AM 17 STARTED RECEIVING FROM HIM AT COLLIN CREEK MALL IN PLANO,
10:11AM 18 RECEIVING ONE OUNCE AT A TIME, AND SPLIT IT WITH SALAZAR SO
10:11AM 19 THAT THEY COULD TEST IT AND SEE IF THIS IS QUALITY PRODUCT
10:11AM 20 AND IF THEY WANTED TO KEEP DEALING WITH DOGG. THEY DECIDED
10:11AM 21 TO KEEP THE RELATIONSHIP WITH DOGG.

10:12AM 22 EACH TIME THAT KENNETH HOUSE RECEIVED ANY
10:12AM 23 METHAMPHETAMINE, HE SPLIT IT WITH HIS PARTNER, DEFENDANT
10:12AM 24 SALAZAR. HE TOLD YOU THAT AT THE BEGINNING OF THEIR
10:12AM 25 PARTNERSHIP THAT THE DEFENDANT SALAZAR WAS LIVING BEHIND HIS

CLOSING STATEMENT BY THE GOVERNMENT

1670

10:12AM 1 SISTER'S HOUSE, CONSISTENT WITH THE OTHER TESTIMONY, AND THAT
10:12AM 2 DEFENDANT HOUSE MOVED TO A HOUSE ON DAY STREET, MOVED THERE
10:12AM 3 WITH HIS GIRLFRIEND, AND THAT CHARLIE WAS RESPONSIBLE FOR THE
10:12AM 4 DISTRIBUTION AND WEIGHING OF METHAMPHETAMINE FOR DEFENDANT
10:12AM 5 SALAZAR. HE TOLD YOU THAT THEY ALSO USED A VACANT HOUSE
10:12AM 6 TO STORE THE METHAMPHETAMINE. AND HE SAID THAT TREY TIBBS
10:12AM 7 DELIVERED AND PICKED UP MONEY FOR HIM AND THAT BOBBY JAMES
10:12AM 8 WORKED FOR BOTH HE AND HOUSE, DELIVERING THE METH AND PICKING
10:12AM 9 UP MONEY. AND SALAZAR TOLD KENNETH HOUSE THAT HE WAS SELLING
10:12AM 10 METHAMPHETAMINE TO THE DEFENDANT TIM BOWEN, AND HE SAID HE ALSO
10:12AM 11 DISTRIBUTED TO MELVIN BOWEN. IF YOU REMEMBER THE TESTIMONY,
10:12AM 12 THEY GOT BEHIND--DEFENDANT TIM BOWEN AND HIS BROTHER GOT BEHIND
10:12AM 13 IN THEIR PAYMENTS TO DEFENDANT SALAZAR, AND KENNETH HOUSE SAID,
10:13AM 14 "QUIT DEALING WITH THEM." BUT DEFENDANT SALAZAR SAID, "NO,"
10:13AM 15 AND HE KEPT DELIVERING TO BOTH TIM BOWEN AND HIS BROTHER MELVIN
10:13AM 16 BOWEN.

10:13AM 17 KENNETH HOUSE TOLD YOU THAT SALAZAR--WHEN MELVIN
10:13AM 18 BOWEN WENT TO JAIL, HE WENT OVER TO KISHA BOWEN'S HOUSE
10:13AM 19 AND TOLD HER THAT MELVIN BOWEN HAD A DEBT AND THAT SHE WAS
10:13AM 20 RESPONSIBLE FOR PAYING THAT DEBT. AND AS YOU KNOW, KISHA BOWEN
10:13AM 21 IS TIM BOWEN'S SISTER-IN-LAW. AND SALAZAR AND HOUSE AGREED
10:13AM 22 TO TAKE CARE OF EACH OTHER'S FAMILIES, YOU KNOW, IF EITHER ONE
10:13AM 23 OF THEM WERE INCARCERATED. AND THAT CAMACHO WOULD DELIVER TO
10:13AM 24 SALAZAR WHEN HOUSE WAS IN JAIL, AND THEN WHEN HE WAS RELEASED,
10:13AM 25 HE MET CAMACHO THROUGH SALAZAR. WHEN HOUSE GOT OUT OF JAIL,

CLOSING STATEMENT BY THE GOVERNMENT

1671

10:13AM 1 HE HOOKED BACK UP WITH DEFENDANT SALAZAR, AND THEN HE MET MIKE
10:13AM 2 CAMACHO. AND WHEN HE WAS ARRESTED, HE HAD THREE OUNCES THAT
10:13AM 3 HE SAID CAME FROM DOGG AND THAT HE WAS BRINGING THAT THREE
10:14AM 4 OUNCES BACK TO SPLIT WITH SALAZAR.

10:14AM 5 HE TOLD YOU THAT WHEN BOTH HE AND SALAZAR WERE
10:14AM 6 ARRESTED THAT CHARLIE TOOK OVER. MIKE WAS DELIVERING TO
10:14AM 7 CHARLIE, CHARLIE WAS MESSING UP, CUSTOMERS COMPLAINING, AND
10:14AM 8 THEN MIKE STARTED DEALING WITH ANDREA REEVES, WHO TOOK OVER
10:14AM 9 AT DEFENDANT SALAZAR'S REQUEST, AND THAT MANUEL CAMACHO WAS
10:14AM 10 DELIVERING EIGHT OUNCES AT A TIME TO THEM, AND HIS SISTER
10:14AM 11 PRISCILLA WOULD ALSO DISTRIBUTE TO BOTH OF THEM, AND THEY WOULD
10:14AM 12 MEET, AGAIN, IN VAN ALSTYNE OR AT THEIR HOUSE, ESPECIALLY WHEN
10:14AM 13 HE WAS ON AN ANKLE MONITOR.

10:14AM 14 HE ALSO TOLD YOU THAT PRISCILLA DELIVERED TO HIM
10:14AM 15 WHEN HE WAS ON ANKLE MONITOR AND THAT THE TOTAL AMOUNT OF
10:14AM 16 METHAMPHETAMINE THAT HE RECEIVED FROM THE TWO SOURCES OF SUPPLY
10:14AM 17 IN THIS CONSPIRACY THAT THEY WERE RESPONSIBLE FOR GETTING THIS
10:14AM 18 METHAMPHETAMINE TO SHERMAN WAS APPROXIMATELY 45 POUNDS, WHICH
10:14AM 19 IS 22 KILOGRAMS OF METHAMPHETAMINE. AND THEN ONCE HOUSE WAS
10:14AM 20 ARRESTED, SALAZAR CONTINUED TO DISTRIBUTE.

10:15AM 21 THEN YOU HEARD FROM TREY TIBBS, AND HE'S KNOWN AS
10:15AM 22 "DOUBLE," AND HE TOLD YOU THAT IN 2010 THAT KENNETH HOUSE WAS
10:15AM 23 HIS SOURCE OF SUPPLY. AND THEN HOUSE WENT TO JAIL. AND ONCE
10:15AM 24 HE WAS RELEASED HE STARTED DELIVERING FOR HIM, AND HE WAS
10:15AM 25 DELIVERING ABOUT A QUARTER-POUND OF METHAMPHETAMINE A DAY.

CLOSING STATEMENT BY THE GOVERNMENT

1672

10:15AM 1 HE MET THE DEFENDANT RENE SALAZAR THROUGH KENNETH HOUSE IN
10:15AM 2 2011. HE KNEW THAT KENNETH HOUSE WAS ALSO CALLED "CHUCKY."
10:15AM 3 HE SAID THAT SALAZAR AND HOUSE WERE PARTNERS IN THE
10:15AM 4 METHAMPHETAMINE BUSINESS, AND HE KNEW THAT MIKE CAMACHO
10:15AM 5 WAS ONE OF THE SOURCES OF SUPPLY FOR SALAZAR AND HOUSE.

10:15AM 6 WHEN HOUSE WENT TO JAIL, DEFENDANT SALAZAR STARTED
10:15AM 7 SUPPLYING TREY TIBBS TWO OUNCES EVERY DAY FOR ABOUT ONE TO TWO
10:15AM 8 MONTHS. HE TOLD YOU THAT INITIALLY SALAZAR WOULD FRONT THE
10:15AM 9 METHAMPHETAMINE TO TREY TIBBS, BUT THEN WHEN TREY TIBBS GOT
10:15AM 10 ARRESTED, THE DEFENDANT SALAZAR SAID, "NO MORE DRUGS UP FRONT;
10:15AM 11 YOU'VE GOTTA START PAYING FOR IT." SO HE STARTED RECEIVING
10:16AM 12 LESSER AMOUNTS. SO HE WAS ONLY RECEIVING A QUARTER-OUNCE TO A
10:16AM 13 HALF-OUNCE A DAY.

10:16AM 14 HE WENT TO THE HOUSE ON DAY STREET TO GET THE
10:16AM 15 METHAMPHETAMINE FROM SALAZAR. HE KNEW ANDREA REEVES LIVED
10:16AM 16 THERE AND CHARLIE WAS THEIR NEXT-DOOR NEIGHBOR.

10:16AM 17 HE TOLD YOU ALSO THAT CHARLIE STARTED DISTRIBUTING
10:16AM 18 THE METHAMPHETAMINE WHEN SALAZAR WENT TO JAIL, CUSTOMERS
10:16AM 19 STARTED COMPLAINING TO MIKE, THEN MIKE STARTED DEALING DIRECTLY
10:16AM 20 WITH HIM UNTIL ANDREA REEVES TOOK OVER. AND THEN DURING THAT
10:16AM 21 TIME HE ALSO STARTED BUYING METHAMPHETAMINE FROM DOGG. HE KNEW
10:16AM 22 DOGG LIVED IN DUNCANVILLE, AND HE STARTED OUT PURCHASING ONE
10:16AM 23 OUNCE FROM DOGG, WHICH INCREASED TO EIGHT OUNCES.

10:16AM 24 AND THEN DURING HIS RELATIONSHIP WITH DOGG, HE
10:16AM 25 DISCOVERED THAT THE DEFENDANT TIM BOWEN WAS ALSO GETTING

CLOSING STATEMENT BY THE GOVERNMENT

1673

10:16AM 1 METHAMPHETAMINE FROM DOGG. AND THE TESTIMONY WAS THAT AFTER
10:16AM 2 THEY FOUND OUT THAT THE DEFENDANT TIM BOWEN WAS GETTING CHARGED
10:16AM 3 MORE THAN DOUBLE WAS GETTING CHARGED, THAT THEY AGREED TO POOL
10:17AM 4 THEIR MONEY IN ORDER TO GET A CHEAPER PRICE FOR MORE
10:17AM 5 METHAMPHETAMINE. AND SO TREY TIBBS TOLD YOU HE STARTED
10:17AM 6 RECEIVING EIGHT OUNCES OF METHAMPHETAMINE, AND TIM BOWEN WAS
10:17AM 7 RECEIVING TWO OUNCES OF METHAMPHETAMINE.

10:17AM 8 YOU HEARD TREY TIBBS TELL YOU THAT BOWEN WAS PAYING
10:17AM 9 THE DRIVERS TO DRIVE THEM TO MEET DOGG, AND THAT THE DRIVERS
10:17AM 10 WERE SABRINA AND HE SAID MARIE OR MARISA, HE COULDN'T REMEMBER
10:17AM 11 THE OTHER DRIVER'S NAME, BUT WE SHOWED YOU IT WAS MARIE, AND
10:17AM 12 SHE WAS THE ONE WHO DROVE INITIALLY A DODGE MAGNUM THAT
10:17AM 13 BELONGED TO CARLOS, THE GUY SHE WAS LIVING WITH. AND AFTER
10:17AM 14 DRIVING CARLOS'S DODGE MAGNUM FOR A WHILE, THEN THEY RENTED
10:17AM 15 CARS WHICH THEY USED TO DRIVE TO MEET DOGG.

10:17AM 16 TREY TIBBS TOLD YOU THAT HE AND DEFENDANT BOWEN HID
10:17AM 17 THEIR METHAMPHETAMINE IN EITHER A WATER BOTTLE OR ONE OF THOSE
10:17AM 18 HIDE-A-CANS.

10:17AM 19 YOU HEARD FROM MARIE DAVILA, ONE OF THE DRIVERS
10:18AM 20 THAT TIM BOWEN HIRED TO DRIVE. SHE TOLD YOU SHE WAS A
10:18AM 21 METHAMPHETAMINE USER. SHE TOLD YOU THAT INITIALLY SHE WAS
10:18AM 22 GETTING SUPPLIED BY JOSH BOWEN, WHO WAS TIM BOWEN AND MELVIN
10:18AM 23 BOWEN'S OTHER BROTHER, AND THAT WHILE JOSH BOWEN WAS SUPPLYING
10:18AM 24 HER THEY WOULD GO TO TIM BOWEN'S HOUSE TO GET THE
10:18AM 25 METHAMPHETAMINE TO SUPPLY IT TO HER. SHE HADN'T MET TIM BOWEN

CLOSING STATEMENT BY THE GOVERNMENT

1674

10:18AM 1 FACE-TO-FACE BY THEN, BUT THEN SHE MET SABRINA SCHROEDER, AND
10:18AM 2 IT WAS THROUGH HER RELATIONSHIP WITH SABRINA THAT SHE ENDED
10:18AM 3 UP MEETING DEFENDANT TIM BOWEN FACE-TO-FACE.

10:18AM 4 AND THEN AFTER THAT INTRODUCTION TIM BOWEN STARTED
10:18AM 5 SUPPLYING HER METHAMPHETAMINE. AND AFTER THEIR RELATIONSHIP
10:18AM 6 TOOK OFF, SHE STARTED DRIVING FOR TIM BOWEN IN ABOUT JUNE OR
10:18AM 7 JULY OF 2001 [SIC]. AND SHE TOLD YOU THAT TIM BOWEN PAID HER
10:18AM 8 ABOUT A HUNDRED DOLLARS EACH TIME SHE DROVE. SHE ALSO TOLD YOU
10:18AM 9 THAT TIM BOWEN PAID HER NOT ONLY THE HUNDRED DOLLARS FOR EACH
10:18AM 10 TIME BUT HE ALSO GAVE HER A GRAM OF METHAMPHETAMINE.

10:18AM 11 AND IT WAS DURING THESE TRIPS TO EITHER DOGG OR
10:19AM 12 HIS RUNNER THAT SHE WOULD OVERHEAR DEFENDANT BOWEN IN THE CAR
10:19AM 13 CALLING DOGG AND ASKING IF THE METHAMPHETAMINE WAS READY. AND
10:19AM 14 INITIALLY WHEN THEY GOT BACK FROM GETTING THE METHAMPHETAMINE
10:19AM 15 FROM DOGG OR HIS RUNNER, THEY WERE GOING TO TIMOTHY BOWEN'S
10:19AM 16 HOUSE, BUT TIMOTHY BOWEN'S GIRLFRIEND DIDN'T LIKE MARIE DAVILA,
10:19AM 17 SO THEN THEY STARTED GOING TO HOTELS AND STARTED WEIGHING THE
10:19AM 18 METHAMPHETAMINE THERE. AND AFTER THEY WOULD WEIGH IT UP, THEY
10:19AM 19 WOULD CALL--TIM BOWEN WOULD CALL THE CUSTOMERS AND THEY WOULD
10:19AM 20 COME GET THE METHAMPHETAMINE.

10:19AM 21 AND SHE TOLD YOU SHE WAS DRIVING TIM BOWEN EVERY TWO
10:19AM 22 TO THREE DAYS TO GET METHAMPHETAMINE. AND AT SOME POINT WHILE
10:19AM 23 SHE WAS DRIVING FOR TIM BOWEN, TIM BOWEN HOOKED UP WITH TREY
10:19AM 24 TIBBS, WHO IS "DOUBLE," AND HE STARTED GOING WITH HER. AND SHE
10:19AM 25 ESTIMATED THAT WHILE TREY TIBBS AND DEFENDANT BOWEN WERE

8320
CLOSING STATEMENT BY THE GOVERNMENT

1675

10:19AM 1 TRAVELING TOGETHER, SHE DROVE THEM APPROXIMATELY 18 TO 20 TIMES
10:20AM 2 HERSELF.

10:20AM 3 SHE TOLD YOU THAT DOUBLE WAS GETTING A CHEAPER PRICE
10:20AM 4 THAN BOWEN, AND THAT'S HOW THEY ENDED UP HOOKING UP AND DRIVING
10:20AM 5 TOGETHER TO GET FROM DOGG. AND SHE TOLD YOU, TOO, THAT DOUBLE
10:20AM 6 AND BOWEN USED A WATER BOTTLE AND A HIDE-A-CAN THAT THEY
10:20AM 7 CONCEALED THEIR METH IN. AND SHE TOLD YOU, JUST AS TREY TIBBS
10:20AM 8 DID, THAT THAT HIDE-A-CAN WAS LIKE ONE OF THOSE TIRE SHINE
10:20AM 9 FALSE-BOTTOM CANS THAT SHE GOT FROM THE GAS PIPE IN PLANO.

10:20AM 10 SHE TOLD YOU THAT INITIALLY SHE STARTED DRIVING THE
10:20AM 11 DODGE MAGNUM AND THAT THEN THEY STARTED USING RENTAL CARS.
10:20AM 12 SHE TOLD YOU THEY ALSO USED COROLLAS AND DODGE CHARGERS. SHE
10:20AM 13 SAID ONE TIME WHEN TIM BOWEN CALLED DOGG AND ASKED HIM IF THE
10:20AM 14 METHAMPHETAMINE WAS READY, THE METHAMPHETAMINE WASN'T READY,
10:20AM 15 SO THEY STOPPED OFF AT THE FRISCO MALL AND DEFENDANT BOWEN
10:20AM 16 BOUGHT HER A COACH PURSE.

10:21AM 17 THEN YOU HEARD FROM CARLOS CABRALES. HE SAID THAT
10:21AM 18 HE MET TIM BOWEN THROUGH MARIE. MARIE WAS LIVING WITH HIM AT
10:21AM 19 THE TIME. SHE ASKED HIM TO USE HIS VEHICLE TO TAKE TIM BOWEN
10:21AM 20 TO PICK UP THE METHAMPHETAMINE. THEY USED HIS DODGE MAGNUM.
10:21AM 21 AND APPROXIMATELY TWO TO THREE TIMES A WEEK THEY WOULD BOTH
10:21AM 22 PAY HIM IN METHAMPHETAMINE. AND ON ONE OCCASION AFTER THEY HAD
10:21AM 23 USED HIS DODGE MAGNUM, HE SAW THEM IN HIS GARAGE, AND THEY WERE
10:21AM 24 REPACKAGING ABOUT TWO OUNCES OF METHAMPHETAMINE IN HIS GARAGE.

10:21AM 25 HE SAID AFTER THAT THEY SWITCHED TO RENTAL CARS, AND

CLOSING STATEMENT BY THE GOVERNMENT

1676

10:21AM 1 THE RENTAL CARS WERE IN HIS NAME, BUT THAT BOWEN PAID HIM FOR
10:21AM 2 THEM. AND THAT THEY KEPT THE RENTAL CARS NORMALLY FOR A WHOLE
10:21AM 3 WEEK AT A TIME.

10:21AM 4 AND THEN YOU HEARD FROM CHRISTINA HOUSE. SHE TOLD
10:21AM 5 YOU THAT SHE WAS MARRIED TO KENNETH HOUSE, ALSO KNOWN AS FLIP.
10:21AM 6 AND SHE SAID THAT KENNETH HOUSE AND RENE SALAZAR WERE CLOSE,
10:22AM 7 THEY WERE LIKE BROTHERS. SHE KNEW SALAZAR WAS CHUCKY, AND
10:22AM 8 SHE ALSO KNEW THAT CHUCKY AND HER HUSBAND WERE PARTNERS IN
10:22AM 9 THE METHAMPHETAMINE BUSINESS.

10:22AM 10 SHE KNEW THAT DOGG WAS THE SOURCE OF SUPPLY AND THAT
10:22AM 11 HE LIVED IN DUNCANVILLE. AND SHE WAS WITH HOUSE APPROXIMATELY
10:22AM 12 15 TIMES WHEN HE OBTAINED METHAMPHETAMINE FROM DOGG THAT HE
10:22AM 13 SUBSEQUENTLY SPLIT WITH DEFENDANT SALAZAR. SHE SAID THAT HOUSE
10:22AM 14 AND SALAZAR WERE GETTING APPROXIMATELY TWO OUNCES TWO TO THREE
10:22AM 15 TIMES A WEEK FROM AUGUST TO NOVEMBER OF 2010, AND THAT THEY
10:22AM 16 WOULD MEET DOGG AT THE ALLEN OUTLET OR AT HOOTERS IN PLANO.
10:22AM 17 AND AFTER HER HUSBAND WENT TO JAIL, SHE CONTINUED PURCHASING
10:22AM 18 METHAMPHETAMINE FROM DOGG, AND SHE WAS POOLING MONEY WITH
10:22AM 19 OTHER COCONSPIRATORS WHEN SHE WAS TRAVELING TO MEET DOGG TO
10:22AM 20 GET METHAMPHETAMINE FROM HIM. SHE TOLD YOU SHE WAS PURCHASING
10:22AM 21 ABOUT TWO TO THREE TIMES A WEEK FROM NOVEMBER OF 2010 TO MARCH
10:22AM 22 OF '11.

10:22AM 23 KENNETH HOUSE WAS ARRESTED IN NOVEMBER OF 2010, AND
10:22AM 24 SHE WAS ARRESTED IN MARCH OF 2011. SO DURING THAT TIME FRAME
10:22AM 25 SHE WAS GETTING METHAMPHETAMINE TWO TO THREE TIMES A WEEK.

CLOSING STATEMENT BY THE GOVERNMENT

1677

1 AND THEN WHEN HOUSE WAS RELEASED FROM JAIL, HE
2 COULDN'T GET METHAMPHETAMINE FROM DOGG ANYMORE BECAUSE SHE TOLD
3 YOU THAT DOGG WAS A LITTLE LEERY. SO THEN THEY STARTED GOING
4 TO MIKE CAMACHO. AND THEY MET MIKE CAMACHO THROUGH SALAZAR
5 BECAUSE THAT'S WHO WAS DISTRIBUTING TO DEFENDANT SALAZAR
6 WHILE KENNETH HOUSE WAS IN JAIL.

7 SHE TOLD YOU THAT SALAZAR THEN INTRODUCED KENNETH
8 HOUSE TO MIKE CAMACHO WHEN HE GOT OUT OF JAIL, AND THAT SHE
9 WENT WITH KENNETH HOUSE TO PICK UP AND DELIVER MONEY TO SALAZAR
10 AS WELL. SHE WENT TO SALAZAR'S HOUSE ON DAY STREET, SHE KNEW
11 ANDREA REEVES WAS LIVING THERE, SHE KNEW CHARLIE WAS THE
12 NEXT-DOOR NEIGHBOR AND THAT CHARLIE WAS INITIALLY ONE OF
13 KENNETH HOUSE'S CUSTOMERS AND THEN BECAME A WORKER FOR
14 DEFENDANT SALAZAR.

15 SHE TOLD YOU THAT SHE AND KISHA BOWEN WENT
16 APPROXIMATELY FIVE TIMES TO GET METHAMPHETAMINE FROM DOGG.
17 WHEN THEY WERE LEAVING SHERMAN IN ORDER TO GO MEET DOGG AT THE
18 VARIOUS LOCATIONS, THEY WOULD STOP BY TIM BOWEN'S HOUSE AND
19 PICK UP MONEY FROM HIM BEFORE THEY WENT TO MEET DOGG.

20 AND THEN AFTER THEY PICKED UP THE METHAMPHETAMINE,
21 TIM BOWEN WOULD BE THE FIRST STOP THAT THEY WOULD STOP AT WHEN
22 THEY GOT BACK TO SHERMAN.

23 AT SOME POINT, BECAUSE YOU HEARD THAT KISHA BOWEN
24 WAS PREGNANT, THEY DECIDED THAT KISHA BOWEN WASN'T GOING TO BE
25 ABLE TO DRIVE AS MUCH ANYMORE. BUT CHRISTINA HOUSE DIDN'T HAVE

CLOSING STATEMENT BY THE GOVERNMENT

1678

10:24AM 1 A VEHICLE. SO KISHA BOWEN PROVIDED TRANSPORTATION, AND THEY
10:24AM 2 DECIDED TO INTRODUCE TIM BOWEN TO DOGG. AND SO WHAT CHRISTINA
10:24AM 3 HOUSE DID IS, SHE CALLED DOGG AND TOLD DOGG, IF YOU REMEMBER
10:24AM 4 HER TESTIMONY, THAT TIM BOWEN WAS A GOOD CUSTOMER, HE HAD A LOT
10:24AM 5 OF HIS OWN CUSTOMERS, SO HE WOULD BE A GOOD CUSTOMER TO START
10:24AM 6 GETTING FROM DOGG. SHE TOLD YOU THAT THEY ALL STARTED OUT
10:24AM 7 GOING DOWN THERE TO MEET DOGG, BUT SHE STILL OWED DOGG MONEY
10:24AM 8 FOR METHAMPHETAMINE SHE HAD GOTTEN FROM HIM, SO SHE DIDN'T WANT
10:24AM 9 TO MAKE THE FULL TRIP DOWN THERE. SO THEY DROPPED HER OFF AT
10:25AM 10 AN OLIVE GARDEN. AND SO TIM BOWEN AND WENT ON DOWN TO MEET
10:25AM 11 DOGG FACE-TO-FACE.

10:25AM 12 AND SHE TOLD YOU THAT TIM BOWEN STARTED TRAVELING
10:25AM 13 WITH KISHA BOWEN, INITIALLY GOING TO DOGG'S, AND THEN AFTER
10:25AM 14 KISHA BOWEN HAD HER BABY OR, ACTUALLY, SHE WAS TOO PREGNANT TO
10:25AM 15 TRAVEL, TIM BOWEN STARTED GOING TO MEET DOGG WITHOUT HER.

10:25AM 16 SHE TOLD YOU THAT SHE AND KISHA BOWEN WERE ARRESTED
10:25AM 17 IN NOVEMBER 2011. AND IF YOU REMEMBER HER TESTIMONY, SHE
10:25AM 18 TOLD YOU THAT KENNETH HOUSE WAS GETTING OUT THE NEXT DAY, ON
10:25AM 19 NOVEMBER 10TH, SO SHE WANTED TO MAKE A BASKET FOR HIM. SHE
10:25AM 20 CALLED KISHA BOWEN, BECAUSE SHE DIDN'T HAVE A RIDE. KISHA CAME
10:25AM 21 AND GOT HER, AND THEY WERE GONNA GO TO WALMART IN ORDER TO GET
10:25AM 22 STUFF FOR THIS BASKET. WELL, KISHA TOLD HER, "I'VE GOT TO WAIT
10:25AM 23 FOR TIM BOWEN TO GET BACK WITH THE METHAMPHETAMINE." IT GOT
10:25AM 24 LATER. AND SO KISHA BOWEN PICKED HER UP LATE. AND SHE TOLD
10:26AM 25 YOU KISHA HAD GONE BY--OR TIM BOWEN HAD BROUGHT THE DRUGS TO

CLOSING STATEMENT BY THE GOVERNMENT

1679

10:26AM 1 KISHA AT HER HOUSE OR KISHA HAD GONE TO PICK UP THE DRUGS FROM
10:26AM 2 TIM BOWEN, AND MADE A DELIVERY TO HER HOUSE AND KEPT A LITTLE
10:26AM 3 BIT OF THE METHAMPHETAMINE WITH HER BECAUSE THEY STOPPED TO
10:26AM 4 DELIVER TO A CUSTOMER, AND AFTER THAT DELIVERY THEY WERE
10:26AM 5 STOPPED BY LAW ENFORCEMENT. SHE TOLD YOU THAT SHE TOOK THE
10:26AM 6 METHAMPHETAMINE THAT KISHA BOWEN HAD AND SHE PUT IT IN HER
10:26AM 7 OWN PURSE BECAUSE KISHA BOWEN WAS PREGNANT.

10:26AM 8 THEN YOU HEARD FROM KISHA BOWEN. AND SHE TOLD YOU
10:26AM 9 SHE WAS MARRIED TO MELVIN BOWEN, WHO WAS TIM BOWEN'S BROTHER.
10:26AM 10 AND SHE TOLD YOU THAT SHE FOUND OUT THAT DEFENDANT SALAZAR WAS
10:26AM 11 DELIVERING METHAMPHETAMINE TO HER HOUSE. AND THE WAY SHE FOUND
10:26AM 12 OUT WAS THAT HER HUSBAND TESTED POSITIVE FOR METHAMPHETAMINE
10:26AM 13 AND WENT BACK TO JAIL. MAYBE NOT THE FIRST TIME, BUT THE
10:26AM 14 SECOND TIME, HE HAD A POSITIVE UA. HE GOES TO JAIL--MELVIN
10:26AM 15 BOWEN GOES TO JAIL. THEN SALAZAR COMES TO HER HOUSE AND
10:26AM 16 WANTS HER TO PAY OFF MELVIN BOWEN'S DEBT. SO SHE SOLD
10:27AM 17 METHAMPHETAMINE, I THINK, THREE TIMES TO SATISFY THE DEBT
10:27AM 18 TO DEFENDANT SALAZAR.

10:27AM 19 SHE TELLS YOU THAT AFTER SHE PAYS OFF THE DEBT,
10:27AM 20 SHE CONTINUES TO OBTAIN METHAMPHETAMINE FROM SALAZAR, AND
10:27AM 21 IT'S DURING THAT RELATIONSHIP THAT SHE INTRODUCES TIM BOWEN
10:27AM 22 TO SALAZAR FOR THE PURPOSE OF CONDUCTING DRUG BUSINESS.

10:27AM 23 AND SHE TOLD YOU THAT TIM BOWEN IS HER BROTHER-IN-LAW.
10:27AM 24 SHE TOLD YOU SHE HAD MET CHRISTINA HOUSE BECAUSE THEIR HUSBANDS
10:27AM 25 WERE IN JAIL TOGETHER AND THAT KENNETH HOUSE HAD TOLD CHUCKY--

CLOSING STATEMENT BY THE GOVERNMENT

1680

10:27AM 1 THE DEFENDANT RENE SALAZAR--NOT TO SELL TO CHRISTINA. SO
10:27AM 2 BECAUSE CHUCKY WOULDN'T SELL TO CHRISTINA HOUSE, THEY HAD TO
10:27AM 3 GO GET THE METHAMPHETAMINE FROM DOGG.

10:27AM 4 SHE WENT WITH CHRISTINA HOUSE TO GET THAT
10:27AM 5 METHAMPHETAMINE, AND SHE WOULD STOP BY TIM BOWEN'S HOUSE IN
10:27AM 6 ORDER TO GET THE MONEY FROM HIM PRIOR TO THEIR LEAVING TO GO
10:27AM 7 MEET DOGG. AFTER THEIR MEETING WITH DOGG, THEY BROUGHT THE
10:27AM 8 METHAMPHETAMINE BACK TO TIM BOWEN.

10:28AM 9 SHE DECIDED TO INTRODUCE TIM BOWEN DIRECTLY TO DOGG.
10:28AM 10 CHRISTINA HOUSE OWED DOGG MONEY, SO THEY DROPPED HER OFF AT THE
10:28AM 11 OLIVE GARDEN. AND DURING THAT CONVERSATION SHE TOLD YOU THAT
10:28AM 12 THEY WERE ALL DISCUSSING PRICES. AND INITIALLY DOGG WAS
10:28AM 13 CHARGING \$1100 AN OUNCE, BUT HE TOLD THEM IF THEY WERE GONNA
10:28AM 14 BE CONSISTENT CUSTOMERS, HE WOULD DROP IT DOWN TO \$900 AN OUNCE.
10:28AM 15 AND SO THEN TIM BOWEN STARTED GOING TO GET METHAMPHETAMINE FROM
10:28AM 16 DOGG WITHOUT KISHA BOWEN. SO, THEN, DURING THE COURSE OF HIS
10:28AM 17 PURCHASING FROM DOGG, HE FINDS OUT THAT TREY TIBBS--DOUBLE--
10:28AM 18 WAS GETTING METHAMPHETAMINE AT A CHEAPER PRICE. AND SO HE
10:28AM 19 AND TIM BOWEN AND DOUBLE START TRAVELING TOGETHER TO GET
10:28AM 20 THE METHAMPHETAMINE FROM DOGG SO THAT THEY CAN GET MORE
10:28AM 21 METHAMPHETAMINE AT A CHEAPER PRICE.

10:28AM 22 AND KISHA BOWEN TOLD YOU THAT TIM BOWEN USED
10:28AM 23 DRIVERS, SABRINA AND MARIE, TO TAKE HIM TO GET THE
10:29AM 24 METHAMPHETAMINE FROM EITHER DOGG OR ONE OF HIS RUNNERS,
10:29AM 25 OR BOTH. AND SHE TOLD YOU AGAIN ABOUT THE STOP IN 2011, THAT

CLOSING STATEMENT BY THE GOVERNMENT

1681

1 SHE HAD THE METHAMPHETAMINE IN HER POSSESSION, BUT CHRISTINA
2 HAD TAKEN IT FROM HER AND PUT IT IN HER OWN PURSE.

3 THEN--WELL, INITIALLY YOU HEARD FROM AGENT JOE MATA.
4 AND HE TOLD YOU THAT THE WAY DEA GOT INVOLVED IN THIS CASE WAS
5 THAT SHERMAN P.D. CALLED THEM TO ASSIST IN THE METHAMPHETAMINE
6 CASE THAT THEY HAD GOING ON. AND IT WAS DURING THIS
7 INVESTIGATION THAT AGENT MATA DETERMINED THAT ANDY NGUYEN WAS
8 THE SOURCE OF SUPPLY FOR SOME OF THE METHAMPHETAMINE THAT WAS
9 BEING DISTRIBUTED IN THE SHERMAN-DENISON AREA. AND HE FOUND
10 OUT THAT INITIALLY THE METHAMPHETAMINE WAS BEING SENT FROM
11 MEXICO BY PRIMO AND THAT PRIMO WAS SUPPLYING RAMIRO CAZARES AND
12 THE DEFENDANT JUAN CARLOS VEGA. AND THAT CAZARES AND DEFENDANT
13 VEGA, THEY WOULD PICK UP THE MONEY AND DELIVER--PICK UP AND
14 DELIVER MONEY FOR PRIMO. AGENT MATA TOLD YOU THAT CAZARES
15 AND VEGA WERE IDENTIFIED AS SUPPLIERS OF METH TO ANDY NGUYEN.
16 PRIMO WAS THE SOURCE OF SUPPLY. THE DEFENDANT JUAN CARLOS VEGA
17 AND CAZARES, THEY WERE WORKING FOR PRIMO IN DISTRIBUTING TO
18 ANDY NGUYEN AND HIS ORGANIZATION.

19 AGENT MATA TOLD YOU THAT DURING HIS INVESTIGATION
20 HE IDENTIFIED A SILVER TRUCK THAT WAS BEING UTILIZED BY RAMIRO
21 CAZARES WHEN HE AND DEFENDANT VEGA WENT TO PICK UP MONEY FROM
22 ANDY NGUYEN'S RUNNERS.

23 AGENT MATA ALSO TOLD YOU THAT PRIMO CALLED ANDY AND
24 SAID HE NEEDED ANOTHER VEHICLE FOR ONE OF HIS WORKERS TO DRIVE,
25 AND THAT HE WANTED THE BLACK HONDA BECAUSE IT ALREADY HAD THE

CLOSING STATEMENT BY THE GOVERNMENT

1682

10:31AM 1 TRAP IN IT. SO MANUEL OR ONE OF HIS DRIVERS DELIVERED THE
10:31AM 2 BLACK HONDA ACCORD TO CAZARES. AND NOW YOU SEE THE HONDA WITH
10:31AM 3 THE TRAP ALREADY IN IT.

10:31AM 4 AGENT MATA ALSO TOLD YOU THAT RAMIRO CAZARES GIVES
10:31AM 5 THE BLACK HONDA TO VEGA, THE DEFENDANT VEGA, SO HE CAN PICK
10:31AM 6 UP MONEY AND METH WHEN RAMIRO CAZARES IS UNABLE TO DO THAT.
10:31AM 7 AND AGENT MATA TOLD YOU THAT PRIMO TELLS RAMIRO CAZARES
10:31AM 8 AND DEFENDANT VEGA TO PICK UP THE METHAMPHETAMINE.

10:31AM 9 AND HE IDENTIFIED CAZARES AS IN A SILVER TRUCK AND
10:31AM 10 THAT VEGA--ON THIS ONE OCCASION WHERE PRIMO CALLS HIM AND TELLS
10:31AM 11 HIM THAT HE NEEDS THEM TO PICK UP THE METHAMPHETAMINE--THIS IS
10:31AM 12 THE METHAMPHETAMINE SUBSEQUENTLY FOUND OUT AT THE BRITON COURT
10:31AM 13 RESIDENCE--PRIMO TELLS THEM BOTH TO PICK THIS METHAMPHETAMINE
10:31AM 14 UP. CAZARES IS DRIVING THE SILVER TRUCK; DEFENDANT VEGA IS
10:32AM 15 DRIVING THE BLACK HONDA WITH THE TRAP. THEY GO TO THE MEET
10:32AM 16 LOCATION, A CONVENIENCE STORE/GAS STATION RIGHT ACROSS FROM
10:32AM 17 HOME DEPOT. SO CAZARES--WHILE HE'S PUMPING GAS, DEFENDANT
10:32AM 18 VEGA WALKS OVER TO THE HOME DEPOT. HE MEETS WITH THE
10:32AM 19 SUPPLIER AND PICKS UP THE METHAMPHETAMINE. HE BRINGS THE
10:32AM 20 METHAMPHETAMINE--HE TELLS CAZARES, "LOOK, I'VE ALREADY GOT IT."

10:32AM 21 THEY PROCEED TO DEFENDANT VEGA'S APARTMENT. THEY
10:32AM 22 LEAVE THE METHAMPHETAMINE IN THE BLACK HONDA, IN THE TRAP,
10:32AM 23 OVERNIGHT, AND THEN THE NEXT DAY IT'S EVENTUALLY TAKEN TO
10:32AM 24 BRITON COURT, WHICH IS IN GRAND PRAIRIE.

10:32AM 25 AGENT MATA TOLD YOU THAT HE OBTAINED A SEARCH

CLOSING STATEMENT BY THE GOVERNMENT

1683

1 WARRANT FOR BRITON COURT, AND THEN THAT'S WHEN HE FOUND
2 A CONVERSION LAB.

3 AND THEN WE SHOWED YOU THE PICTURE OF THE EVIDENCE
4 THAT WAS FOUND THERE AT BRITON COURT. AS YOU SEE IN THE TOP
5 PICTURE, THERE'S ALL THE POTS AND STUFF THAT THE DEFENDANT
6 JUAN CARLOS VEGA AND RAMIRO CAZARES USED WHEN THEY WERE COOKING
7 THE METHAMPHETAMINE.

8 BACK UP A LITTLE BIT. IF YOU REMEMBER CAZARES'S
9 TESTIMONY, HE TOLD YOU THAT WHILE THEY WERE DISTRIBUTING THE
10 METHAMPHETAMINE, PRIMO CALLED THEM AND WANTED THEM TO START
11 COOKING. AND SO HE WAS GETTING--PRIMO WAS GIVING INSTRUCTIONS
12 TO RAMIRO CAZARES AND DEFENDANT VEGA ON HOW TO COOK THE
13 METHAMPHETAMINE. RAMIRO CAZARES TOLD YOU THAT THEY WERE ON A
14 CELL PHONE. HE PUT THE CELL PHONE ON SPEAKER SO THAT HE AND
15 DEFENDANT VEGA COULD LEARN AND RECEIVE THESE INSTRUCTIONS
16 FROM PRIMO. SO THEY TRIED TO COOK SEVERAL TIMES. THEY WERE
17 UNSUCCESSFUL. BUT CLEARLY, AS THEY KEPT TRYING, THEY GOT MORE
18 SUCCESSFUL. SO WHEN A SEARCH WARRANT WAS EXECUTED AT THIS
19 RESIDENCE, YOU SAW THE EVIDENCE OF THE POTS AND PANS THAT
20 THEY WERE USING TO COOK, YOU SAW THE COOLERS WITH THE LIQUID
21 METHAMPHETAMINE IN IT, AND THEN, OF COURSE, THE FINISHED
22 PRODUCT, WHICH THE CHEMIST TESTIFIED WAS ICE METHAMPHETAMINE
23 AND WAS OVER 80 PERCENT PURE.

24 AND THEN IN THE MIDDLE PICTURES THERE YOU SEE THE
25 COCAINE THAT DEFENDANT VEGA WENT AND GOT FROM THE PEOPLE OVER

CLOSING STATEMENT BY THE GOVERNMENT

1684

10:34AM 1 AT THE HOME DEPOT. AND THIS IS THE METHAMPHETAMINE THAT WAS
10:34AM 2 HIDDEN IN THIS LAUNDRY BASKET UPSTAIRS AT THIS RESIDENCE.

10:34AM 3 AND, ALSO, SPECIAL AGENT MATA TOLD YOU THAT WHEN
10:34AM 4 CAZARES WAS ARRESTED, HE AGREED TO COOPERATE, AND HE PLACED A
10:34AM 5 RECORDED CALL TO DEFENDANT JUAN CARLOS VEGA. HE SAYS THAT--
10:34AM 6 OH, AND DURING THIS RECORDED CALL YOU HEAR DEFENDANT VEGA
10:34AM 7 SAYING THAT HE CAN GO TO THE HOUSE, HE'S AVAILABLE TO GO TO
10:34AM 8 THE HOUSE AND DO THE COOKING. HE SAYS IT NOT ONCE BUT TWICE.
10:34AM 9 AND WHAT IS HE TALKING ABOUT? HE'S COOKING METHAMPHETAMINE.
10:34AM 10 HE MEANS THAT HE CAN GO TO THE HOUSE ON BRITON WHERE THEY
10:34AM 11 NORMALLY COOK THE METHAMPHETAMINE.

10:34AM 12 AND THEN CAZARES TELLS DEFENDANT VEGA THAT HE NEEDS
10:34AM 13 TO TAKE THE BALLS OUT OF HIS WIFE'S HOUSE. REMEMBER THE
10:34AM 14 CONVERSATION? CAZARES SAYS, "MY EX-WIFE FOUND OUT ABOUT THE
10:35AM 15 BALLS. SHE'S ANGRY. I'VE GOTTA MOVE THEM."

10:35AM 16 DEFENDANT VEGA DOESN'T SAY, "WHAT BALLS? WHAT ARE
10:35AM 17 YOU TALKING ABOUT?" IN FACT, HE VOLUNTEERS TO GO TO THE HOUSE
10:35AM 18 TO GET THE BALLS TO FIND THEM ANOTHER STORAGE LOCATION FOR THAT
10:35AM 19 METHAMPHETAMINE.

10:35AM 20 RAMIRO CAZARES LEADS LAW ENFORCEMENT TO DEFENDANT
10:35AM 21 VEGA'S RESIDENCE. THEY SET UP SURVEILLANCE AT VEGA'S
10:35AM 22 RESIDENCE. SURVEILLANCE SEES DEFENDANT VEGA INSIDE THE BLACK
10:35AM 23 HONDA AND MOVING IT AWAY FROM HIS APARTMENT. WHEN THEY FIRST
10:35AM 24 GET THERE, THE BLACK HONDA WITH THE TRAP IS OUTSIDE OF JUAN
10:35AM 25 CARLOS VEGA'S APARTMENT. THEY SEE HIM GET IN AND MOVE IT AWAY

CLOSING STATEMENT BY THE GOVERNMENT

1685

1 FROM HIS APARTMENT SO IT WILL BE SEVERAL DISTANCES AWAY FROM
2 HIS HOUSE.

3 AND THEN SURVEILLANCE LATER SEES DEFENDANT JUAN
4 CARLOS VEGA LEAVING IN ANOTHER VEHICLE, AND HE'S SUBSEQUENTLY
5 STOPPED AT THE CVS, AND DEFENDANT JUAN CARLOS VEGA--HE AGREES
6 TO COOPERATE.

7 THEN YOU HEAR FROM RAMIRO CAZARES, AND HE TELLS YOU
8 THAT HE GOT INVOLVED IN THE DISTRIBUTION OF METHAMPHETAMINE
9 IN JANUARY OF THIS YEAR AND THAT HE WORKED FOR PRIMO AND
10 THAT PRIMO INSTRUCTED HIM WHERE TO PICK UP THE MONEY AND WHO
11 TO DELIVER THE MONEY TO. THE FIRST TIME HE PICKED UP MONEY,
12 IT WAS ABOUT 10,000. THE SECOND TIME HE PICKED UP IT WAS
13 ABOUT 9,000, AND HE PICKED IT UP FROM A PERSON AT A MALL
14 NEAR 75 AND PARK LAKE, WHICH IS THE NORTHPARK MALL. AND
15 HE CONTINUED TO PICK UP MONEY FOR PRIMO. AND WHEN HE WAS
16 UNAVAILABLE,
17 HE SENT THE DEFENDANT JUAN CARLOS VEGA TO PICK UP MONEY.

18 THEN HE TOLD YOU THAT PRIMO WANTED TO START
19 DISTRIBUTING DRUGS--WANTED TO USE THEM TO START DISTRIBUTING
20 DRUGS, AND THAT HE INITIALLY PICKED UP FOUR KILOGRAMS OF
21 METHAMPHETAMINE. HE TOOK THE FOUR KILOGRAMS TO A PERSON WHO
22 WAS NEAR THE MALL AT PARK LANE, AND HE SAID HE DELIVERED FOUR
23 KILOGRAMS TO AN ASIAN GUY THAT HE IDENTIFIED AS HOANG, WHICH
24 WAS ONE OF ANDY NGUYEN'S DRIVERS. HE WAS IN A SILVER-GRAY FORD
25 TRUCK WHEN HE WOULD PICK UP THE MONEY AND DELIVER THE DRUGS.

CLOSING STATEMENT BY THE GOVERNMENT

1686

10:37AM 1 HE SAID THAT AFTER A TIME PRIMO CALLED HIM AND TOLD
10:37AM 2 HIM THAT HE HAD TO GO MEET WITH HIM AGAIN. SO HOANG BROUGHT
10:37AM 3 HIM BACK THE FOUR KILOGRAMS OF METH. AND PRIMO CALLED CAZARES
10:37AM 4 AGAIN AND TOLD HIM TO TAKE MORE KILOGRAMS OF METHAMPHETAMINE
10:37AM 5 TO THE SAME PERSON AT PARK LANE AND THE MALL.

10:37AM 6 RAMIRO CAZARES TOLD YOU THAT DEFENDANT JUAN CARLOS
10:37AM 7 VEGA TRAVELED WITH HIM TO GET THE METHAMPHETAMINE. AND HE TOLD
10:37AM 8 YOU THAT HE GAVE DEFENDANT VEGA THE PHONE NUMBER OF THE PEOPLE
10:37AM 9 THEY WERE SUPPOSED TO MEET AND THAT IT WAS DEFENDANT JUAN
10:37AM 10 CARLOS VEGA WHO ACTUALLY CALLED THE PEOPLE TO MAKE THE
10:37AM 11 ARRANGEMENTS ON WHERE TO PICK UP THE METHAMPHETAMINE. AND
10:37AM 12 THAT'S THE LOCATION OF THE HOME DEPOT AND THE GAS STATION.

10:38AM 13 AND THEN THEY MET THOSE PEOPLE AGAIN WHILE JUAN
10:38AM 14 CARLOS WENT TO GO PICK UP THE METHAMPHETAMINE, CAZARES WAS
10:38AM 15 PUMPING THE GAS. VEGA WAS DRIVING THE BLACK HONDA THAT CAZARES
10:38AM 16 HAD LOANED TO HIM. AND AS YOU REMEMBER, THIS IS THE BLACK
10:38AM 17 HONDA THAT CAME FROM ANDY NGUYEN.

10:38AM 18 RAMIRO CAZARES TOLD YOU THAT HE WAS GETTING THE
10:38AM 19 GASOLINE. VEGA MET THE PEOPLE AND PICKED UP PACKAGES THAT
10:38AM 20 LOOKED LIKE AMERICAN FOOTBALLS. IF YOU RECALL, THE
10:38AM 21 METHAMPHETAMINE THAT WAS LOCATED IN A LAUNDRY BASKET THAT WAS
10:38AM 22 OBLONG-SHAPED. THEY TOOK THE PACKAGE TO VEGA'S APARTMENT,
10:38AM 23 LEFT IT IN THE TRAP OVERNIGHT, THEN THEY TOOK IT TO CAZARES'S
10:38AM 24 EX-WIFE'S HOUSE, THE HOUSE ON BRITON STREET, THE NEXT DAY, AND
10:38AM 25 THEY HID THE METHAMPHETAMINE IN THE LAUNDRY BASKET, AND THAT

CLOSING STATEMENT BY THE GOVERNMENT

1687

10:38AM 1 WAS THE METHAMPHETAMINE THAT WAS LATER DISCOVERED DURING THE
10:39AM 2 EXECUTION OF THE WARRANT.

10:39AM 3 RAMIRO CAZARES TOLD YOU THAT PRIMO HAD GIVEN HE AND
10:39AM 4 VEGA INSTRUCTIONS ON HOW TO COOK THE METHAMPHETAMINE, AND THEY
10:39AM 5 WOULD COOK THE METHAMPHETAMINE AT THE BRITON HOUSE. AND THEN
10:39AM 6 YOU SAW THOSE PICTURES OF THE CRYSTALIZED METHAMPHETAMINE
10:39AM 7 COOLERS AFTER THE LIQUID METHAMPHETAMINE WAS IN THE THERMOSES.

10:39AM 8 WHEN CAZARES WAS ARRESTED, HE COOPERATED, CALLED
10:39AM 9 VEGA. IN THE RECORDED CALL--WE'LL LISTEN TO THAT NOW--
10:39AM 10 [PLAYBACK OF AUDIO RECORDING]--YOU HEAR DEFENDANT JUAN VEGA IN
10:43AM 11 THIS CALL. HE'S TALKING TO CAZARES. NEVER AT ANY TIME DO YOU
10:44AM 12 HEAR JUAN CARLOS VEGA ASK, "WHO'S PRIMO? WHAT BALLS ARE YOU
10:44AM 13 TALKING ABOUT? WHAT EX-WIFE ARE YOU TALKING ABOUT? WHAT HOUSE
10:44AM 14 ARE YOU TALKING ABOUT?" HE NEVER ASKED THOSE QUESTIONS. SO
10:44AM 15 CLEARLY HE KNOWS WHAT'S GOING ON.

10:44AM 16 HE MENTIONS THAT HE WANTS TO DO THE COOKING NOT ONCE
10:44AM 17 BUT TWICE. HE WANTS TO GET RID OF THE FOOTBALLS.

10:44AM 18 AND WHEN HE'S TALKING TO RAMIRO CAZARES, HE SAYS,
10:44AM 19 "WHAT CAN WE DO? WHAT CAN WE DO TO MOVE THOSE BALLS, TO PUT
10:44AM 20 THEM IN ANOTHER LOCATION?" CLEARLY SHOWING THAT HE IS WORKING
10:44AM 21 WITH RAMIRO CAZARES AND THEY'RE ALL WORKING FOR PRIMO.

10:44AM 22 IN THE CALL, CAZARES SAYS, YOU KNOW, HE HASN'T HEARD
10:44AM 23 FROM PRIMO. AND THEN I THINK ALSO IN THAT CALL HE--RAMIRO
10:44AM 24 CAZARES ASKS JUAN CARLOS VEGA, "HAVE YOU HEARD FROM HIM?"

10:44AM 25 HE GOES, "NO, MAN, I HAVEN'T HEARD FROM HIM."

CLOSING STATEMENT BY THE GOVERNMENT

1688

10:45AM 1 SHOWING HE ALSO HAS A DIRECT CONNECTION TO PRIMO.

10:45AM 2 RAMIRO SAYS, YOU KNOW, HE NEEDS TO TAKE OUT THE
10:45AM 3 BALLS. AND THEN VEGA VOLUNTEERS TO GO TAKE THE BALLS OUT AND
10:45AM 4 LOOK FOR ANOTHER LOCATION.

10:45AM 5 THEN YOU HEARD FROM AGENT MATA THAT AFTER THE
10:45AM 6 SURVEILLANCE WAS SET UP AT JUAN CARLOS VEGA'S RESIDENCE,
10:45AM 7 HE MOVES THE HONDA, THAT THEY FOLLOW HIM TO CVS WHERE HE'S
10:45AM 8 ENCOUNTERED THERE. THEY TELL HIM, YOU KNOW, WHAT'S GOING ON.
10:45AM 9 AND JUAN CARLOS VEGA AGREES TO COOPERATE. AND DURING HIS
10:45AM 10 ADMISSION OF GUILT TO AGENT MATA, JUAN CARLOS VEGA ACKNOWLEDGES
10:45AM 11 THAT HE KNEW RAMIRO CAZARES. HE SAID THAT HE KNEW RAMIRO
10:45AM 12 CAZARES WORKED FOR PRIMO. HE ADMITTED KNOWING THAT CAZARES WAS
10:45AM 13 INVOLVED IN DRUG ACTIVITIES, AND THAT HE ASSISTED IN PICKING UP
10:45AM 14 MONEY ON TWO OCCASIONS WITH CAZARES--OR FOR CAZARES AND PRIMO.
10:45AM 15 IT WAS \$30,000 EACH TIME THAT HE PICKED UP ON THOSE TWO
10:46AM 16 OCCASIONS. AND THAT HE KNEW THAT CAZARES HAD TAKEN, HE
10:46AM 17 SAID, APPROXIMATELY 7,000--I'M SORRY, SEVEN KILOGRAMS OF
10:46AM 18 METHAMPHETAMINE TO A HOUSE IN GRAND PRAIRIE, AND THAT'S THE
10:46AM 19 BRITON COURT HOUSE.

10:46AM 20 VEGA TELLS AGENT MATA THAT THE METHAMPHETAMINE WAS
10:46AM 21 STORED IN A BASKET IN AN UPSTAIRS BEDROOM. I ASK YOU, LADIES
10:46AM 22 AND GENTLEMEN: HOW ON EARTH IS HE GONNA KNOW WHERE THE
10:46AM 23 FOOTBALLS OF METHAMPHETAMINE ARE STORED IN THE LAUNDRY BASKET
10:46AM 24 IF HE WASN'T THERE AND EITHER HELPED CAZARES PUT THEM THERE OR
10:46AM 25 PUT THEM THERE HIMSELF?

CLOSING STATEMENT BY THE GOVERNMENT

1689

1 VEGA TOLD AGENT MATA THAT THE BLACK HONDA HAD BEEN
2 LOANED TO HIM BY CAZARES. AND INITIALLY MR. VEGA DENIED HAVING
3 THE KEYS TO THE HONDA ACCORD. BUT RECALL, SURVEILLANCE HAD
4 SEEN DEFENDANT VEGA DRIVING THE BLACK HONDA ACCORD AWAY FROM
5 HIS RESIDENCE. AND LATER JUAN CARLOS VEGA ADMITTED TO HIDING
6 THE KEYS IN A SPEAKER BOX INSIDE THE LIVING ROOM OF HIS
7 APARTMENT. AND AGENTS FOUND THE KEYS TO THAT HONDA IN THAT
8 SPEAKER BOX. AND JUAN CARLOS VEGA ADMITTED HE KNEW THE HONDA
9 CONTAINED A HIDDEN TRAP COMPARTMENT. AND THAT ONCE HE HEARD
10 THAT CAZARES WAS ARRESTED, HE THREW AWAY THE CELL PHONE THAT
11 HE HAD BEEN USING.

12 JUAN CARLOS VEGA'S ACTIVITIES, HIS ACTIONS DURING
13 THIS WHOLE THING, AFTER FINDING OUT CAZARES WAS ARRESTED OR
14 DISTANCING HIMSELF FROM THE TRAP VEHICLE, HE MOVES THE TRAP
15 VEHICLE, HE THROWS AWAY THE PHONE, HE HIDES THE KEY IN THE
16 SPEAKER BOX. THESE, LADIES AND GENTLEMEN, ARE EVIDENCE--IT'S
17 CALLED "CONSCIOUSNESS OF GUILT." IT'S HOW A GUILTY PERSON
18 ACTS. AND I SUBMIT TO YOU THAT DEFENDANT VEGA'S ACTIONS IN
19 JUST DOING THESE FEW THINGS SHOW CONSCIOUSNESS OF GUILT. ALSO
20 HIS ADMISSION TO AGENT MATA DURING HIS CONVERSATION WITH HIM.

21 NOW, LADIES AND GENTLEMEN, I ANTICIPATE THAT DEFENSE
22 COUNSEL, AS MOST DEFENSE COUNSEL DO IN CONSPIRACY CASES,
23 THEY'RE GONNA ARGUE SEVERAL THINGS. ONE OF THE THINGS THAT
24 THEY MAY ARGUE IS THAT "MY GUY IS NOT PART OF THIS CONSPIRACY,"
25 THAT HE'S PART OF SOME OTHER CONSPIRACY. WELL, LADIES AND

CLOSING STATEMENT BY THE GOVERNMENT

1690

10:48AM 1 GENTLEMEN, WHAT I ASK YOU TO DO IS REMEMBER ALL THE TESTIMONY
10:48AM 2 THAT I JUST WENT OVER, WHICH SHOWS THAT EACH AND EVERY ONE OF
10:48AM 3 THESE DEFENDANTS IS A MEMBER OF THIS CONSPIRACY--OF THIS
10:48AM 4 CONSPIRACY TO DISTRIBUTE THIS METHAMPHETAMINE IN THE SHERMAN
10:48AM 5 AND DENISON AREA.

10:48AM 6 ANOTHER COMMON ARGUMENT IS THAT THE WITNESSES
10:48AM 7 WE PRESENTED TO YOU, THE COCONSPIRATORS, THEY'RE ALL LIARS.
10:48AM 8 THEY'RE ALL COMING IN HERE, TAKING THE STAND, AND THEY'RE LYING
10:48AM 9 TO YOU IN ORDER TO GET A BETTER DEAL, THAT THEY'LL SAY ANYTHING
10:49AM 10 OR DO ANYTHING TO GET BACK HOME TO THEIR FAMILIES. THIS IS A
10:49AM 11 COMMON ARGUMENT. BUT, LADIES AND GENTLEMEN, KEEP IN MIND THAT
10:49AM 12 WE SHOWED YOU THOSE PLEA AGREEMENTS, ALL THE RESTRICTIONS IN
10:49AM 13 THOSE PLEA AGREEMENTS, AD NAUSEAM. WE WENT OVER IT AND OVER
10:49AM 14 IT AND OVER IT TO SHOW YOU THAT IF THESE DEFENDANTS OR
10:49AM 15 COCONSPIRATORS COME IN HERE AND LIE TO YOU, THEY'RE LOOKING
10:49AM 16 AT MORE CHARGES, PERJURY, OBSTRUCTION OF JUSTICE POTENTIALLY.
10:49AM 17 AND AS YOU HEARD ONE OF THE WITNESSES--WELL, SEVERAL OF THE
10:49AM 18 WITNESSES SAY THEY'RE NOT TRYING TO GET INTO ANY MORE TROUBLE.
10:49AM 19 SO KEEP ALL OF THAT IN MIND AND DON'T GO DOWN THAT RABBIT TRAIL
10:49AM 20 THAT THEY'RE JUST DOING THIS TO GET A SENTENCE REDUCTION, OR
10:49AM 21 WHATEVER DEFENSE COUNSEL BRINGS UP.

10:49AM 22 AS YOU'LL SEE IN THE JURY INSTRUCTIONS, THE ONES THE
10:49AM 23 JUDGE JUST READ TO YOU, THE TESTIMONY OF ACCOMPLICES IS PROPER
10:49AM 24 AT ALL TIMES, AND YOU CAN CONSIDER THAT ALONE. I THINK IT ALSO
10:49AM 25 SAYS IN THERE THAT THE PLEA-BARGAINING THAT HAS OCCURRED WITH

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1691

10:50AM 1 THESE ACCOMPLICES, THESE COCONSPIRATORS, IS PROPER AND IT'S
10:50AM 2 LAWFUL AND BEFORE THE COURT. SO KEEP ALL OF THAT IN MIND AS
10:50AM 3 YOU DELIBERATE.

10:50AM 4 AND, LADIES AND GENTLEMEN, AFTER I FINISH SPEAKING
10:50AM 5 WITH YOU, DEFENSE COUNSEL WILL SPEAK TO YOU. AND I ASK YOU TO
10:50AM 6 REMEMBER ALL OF THE TESTIMONY THAT I WENT THROUGH, THE RABBIT
10:50AM 7 TRAILS THAT I JUST ASKED YOU NOT TO FOLLOW. AND AFTER YOU
10:50AM 8 DELIBERATE, I ASK YOU TO FIND EACH AND EVERY ONE OF THESE
10:50AM 9 DEFENDANTS--RENE SALAZAR, TIMOTHY BOWEN AND JUAN CARLOS VEGA--
10:50AM 10 GUILTY OF THE DISTRIBUTION OF METHAMPHETAMINE.

10:50AM 11 THANK YOU.

10:50AM 12 THE COURT: ALL RIGHT. THANK YOU, MS. BATSON.

10:50AM 13 MR. KEMP.

10:50AM 14 CLOSING STATEMENT ON BEHALF OF THE DEFENDANT RENE SALAZAR

10:50AM 15 MR. KEMP: THANK YOU, YOUR HONOR. MAY IT PLEASE THE
10:50AM 16 COURT.

10:50AM 17 COUNSEL.

10:50AM 18 LADIES AND GENTLEMEN OF THE JURY: GOOD MORNING.

10:50AM 19 THIS IS AN IMPORTANT DAY TODAY. FIRST AND FOREMOST,
10:51AM 20 ON BEHALF OF EVERYBODY HERE AT THE DEFENSE TABLE, BUT
10:51AM 21 SPECIFICALLY MR. SALAZAR AND MYSELF, I WANT TO THANK YOU FOR
10:51AM 22 YOUR ATTENTIVENESS THROUGHOUT THIS PROCESS. AND I KNOW THAT
10:51AM 23 YOU'VE BEEN CAREFULLY PAYING ATTENTION, TAKING NOTES, EACH
10:51AM 24 OF YOU HAVE A NOTEPAD TODAY, AND THAT YOU'VE BEEN LISTENING
10:51AM 25 THROUGHOUT THIS TRIAL TO ALL OF THE WITNESSES AND EVERYTHING

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1692

1 EVERYBODY HAS TO SAY. AND I THANK YOU IN ADVANCE FOR THE
2 CAREFUL DELIBERATION OF ALL THE FACTS OF THIS CASE THAT YOU ARE
3 ABOUT TO START DURING YOUR DELIBERATION PROCESS AFTER CLOSING
4 ARGUMENTS HERE.

5 NOW, I WANT YOU TO REMEMBER BACK TO THE VOIR DIRE
6 PROCESS AND ALSO WHEN WE MADE OUR FIRST OPENING ARGUMENTS.
7 YOU KNOW, WE DISCUSSED THAT THE BURDEN OF PROOF IN THIS CASE
8 IS "BEYOND A REASONABLE DOUBT." IT'S NOT UP TO THAT LINE, BUT
9 THE GOVERNMENT HAS TO PROVE EACH AND EVERY ELEMENT BEYOND A
10 REASONABLE DOUBT. NOW, OBVIOUSLY, THAT'S A VERY HIGH STANDARD.
11 IN FACT, IT'S THE HIGHEST BURDEN OF PROOF THAT WE HAVE IN OUR
12 JUSTICE SYSTEM AS IT'S SET UP TODAY. AND MIND YOU THAT THAT
13 BURDEN OF PROOF IS SQUARELY ON THE GOVERNMENT'S SHOULDERS;
14 IT NEVER SHIFTED THROUGHOUT THIS CASE. I KNOW THAT YOU HEARD
15 MULTIPLE TIMES DURING THE VOIR DIRE PROCESS THAT WE DO NOT
16 HAVE A REQUIREMENT TO ACTUALLY PUT ON ANY TESTIMONY, THAT
17 THE GOVERNMENT HAS TO PROVE TO YOU BEYOND A REASONABLE DOUBT.
18 AND AS I SAID, THAT IS SOMETHING THAT SQUARELY LIES ON THEIR
19 SHOULDERS.

20 NOW, IN THE OPENING PART OF THIS TRIAL, I SPOKE TO
21 YOU AND GAVE YOU A LITTLE BIT OF AN EXAMPLE ABOUT KIND OF A
22 CAT-AND-MOUSE STORY. AND HOPEFULLY YOU'LL ALL REMEMBER THE
23 FACT THAT THE CAT WAS IN THE BOX AND IT WAS WRAPPED UP AND IT
24 WAS TAPED. AND THE TWO DIFFERENT VERSIONS OF THAT STORY I GAVE
25 YOU, THEY WERE VERY SIMILAR. REALLY, IT WAS IN THE MINUTE

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1693

10:52AM 1 DETAIL THAT THAT STORY TURNED ON. AND THAT'S WHAT I ASKED YOU
10:52AM 2 TO TAKE A LOOK AT DURING THE COURSE OF THIS CASE, THE MINUTE
10:52AM 3 DETAILS THAT THE WITNESSES PUT THERE. THE BASIC FACTS THAT
10:53AM 4 EVERYBODY GIVES ARE VERY--ARE VERY SIMILAR, BUT, YOU KNOW,
10:53AM 5 REMEMBER THE INSTRUCTION THAT YOU HEARD FROM THE COURT THAT THE
10:53AM 6 MERE FACT THAT CERTAIN PERSONS MAY HAVE ASSOCIATED WITH EACH
10:53AM 7 OTHER, MAY HAVE ASSEMBLED TOGETHER AND DISCUSSED COMMON AIMS
10:53AM 8 AND INTERESTS DOES NOT NECESSARILY ESTABLISH PROOF OF THE
10:53AM 9 EXISTENCE OF A CONSPIRACY.

10:53AM 10 NOW, THROUGHOUT THE COURSE OF THIS CASE, YOU HEARD
10:53AM 11 FROM 29 DIFFERENT WITNESSES. OBVIOUSLY, THERE ARE A LOT OF
10:53AM 12 MOVING PARTS TO THIS STORY. I MEAN, YOU ESSENTIALLY HAVE
10:53AM 13 THREE TRIALS GOING ON AT THE SAME TIME.

10:53AM 14 AND I KNOW THAT THE MENTIONING OF ALL KINDS OF
10:53AM 15 NUMBERS AND MATH CONVERSIONS THAT YOU PROBABLY THOUGHT YOU LEFT
10:53AM 16 WHEN YOU GOT OUT OF SCHOOL, SOMETIMES SOME OF THESE THINGS CAN
10:53AM 17 BE VERY CONFUSING. BUT HOPEFULLY AND UNDOUBTEDLY IT'S BEEN A
10:53AM 18 LEARNING EXPERIENCE FOR YOU, AND I HOPE THAT YOU HAVE ENJOYED
10:53AM 19 IT TO THIS POINT.

10:53AM 20 NOW, THE BEAUTY OF OUR SYSTEM THE WAY IT'S SET
10:53AM 21 UP, AFTER YOU'VE HEARD FROM THESE 29 WITNESSES AND THE
10:54AM 22 ARGUMENTS FROM THE GOVERNMENT AND OUR SIDE, NOW IT'S YOUR
10:54AM 23 TURN. IT'S YOUR TURN TO DELIBERATE. WE'RE GONNA HAND THIS
10:54AM 24 CASE OVER TO YOU SO THAT YOU CAN REVIEW ALL THE FACTS OF THIS
10:54AM 25 CASE.

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1694

10:54AM 1 NOW, LET'S GO THROUGH BRIEFLY ALL THE FACTS OR ALL
10:54AM 2 THE WITNESSES. THIS CASE BEGAN WITH DEA AGENT--SPECIAL AGENT
10:54AM 3 JOE MATA. NOW, HE TOLD YOU THAT HIS FIRST INTERACTION IN THIS
10:54AM 4 CASE ACTUALLY BEGAN IN FEBRUARY--EXCUSE ME, IN THE FALL OF
10:54AM 5 2011 WITH HIS IN-PERSON MEETINGS WITH SOME OF THE LOCAL LAW
10:54AM 6 ENFORCEMENT AGENCIES, LIKE SHERMAN P.D., DENISON P.D., IN 2011.
10:54AM 7 IF YOU REMEMBER THE INDICTMENT, IT ALLEGES THAT THIS CONDUCT
10:54AM 8 TOOK PLACE FROM 2008 ALL THE WAY UP UNTIL APRIL OF 2012.
10:54AM 9 SO, OBVIOUSLY, THAT'S A LARGE TIME INVESTMENT HERE. IN FACT,
10:54AM 10 FOR THOSE OF YOU WHO HAVE KIDS, THAT'S A LARGER AMOUNT OF TIME
10:54AM 11 SPAN THAN THE AMOUNT OF TIME YOUR KIDS WILL SPEND IN HIGH
10:55AM 12 SCHOOL. IT COVERS A LARGE NUMBER OF PEOPLE AND A LARGE NUMBER
10:55AM 13 OF EVENTS.

10:55AM 14 NOW, YOU HEARD THAT SPECIAL AGENT JOE MATA--HE
10:55AM 15 DESCRIBED THAT AS A MEMBER OF THE DEA--OR AS AN AGENT OF THE
10:55AM 16 DEA, HE HAS THE ABILITY TO CONDUCT WIRETAPS, UNDERCOVER BUYS,
10:55AM 17 AUDIO SURVEILLANCE, VIDEO SURVEILLANCE. I FOUND IT IRONIC
10:55AM 18 THAT WHEN THEY HAVE THAT CAPABILITY THAT YOU HEARD IN HIS OWN
10:55AM 19 TESTIMONY THAT DURING THE COURSE OF THE SEARCH OF ONE OF THE
10:55AM 20 RESIDENCES, HE DIDN'T EVEN HAVE A CAMERA, BUT YET YOU HAVE
10:55AM 21 ALL OF THESE DIFFERENT THINGS--THESE DIFFERENT TECHNOLOGICAL
10:55AM 22 ADVANCES THAT ARE AVAILABLE TO YOU.

10:55AM 23 NOW, THROUGHOUT THE COURSE OF THIS TRIAL, UNDOUBTEDLY
10:55AM 24 YOU NOTICED ALL OF THE EVIDENCE THAT WAS HERE AMASSED ON THIS
10:55AM 25 FRONT BENCH HERE. NOW, IF YOU THINK BACK, HOW MUCH OF THAT

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1695

10:55AM 1 PHYSICAL EVIDENCE WAS SEIZED FROM RENE SALAZAR? NONE OF IT.

10:56AM 2 YOU NEVER HEARD ONE WITNESS SAY THAT THERE WAS ANY KIND OF

10:56AM 3 SEIZURE OR ANYTHING LIKE THAT THAT DEALT WITH RENE SALAZAR.

10:56AM 4 HOW MANY PHONE INTERCEPTS DID THEY HAVE ON RENE

10:56AM 5 SALAZAR TALKING ABOUT THESE TRANSACTIONS? NONE. IN FACT, AT

10:56AM 6 ONE POINT YOU EVEN HEARD THAT I THINK IT WAS CHARLES QUIROLO

10:56AM 7 WAS MESSING UP THE MONEY AND THAT SOMEHOW WHILE RENE SALAZAR

10:56AM 8 WAS IN STATE CUSTODY, HE WAS ORCHESTRATING THE CONSPIRACY FROM

10:56AM 9 BEING ARRESTED.

10:56AM 10 NOW, I'M NOT SURE HOW MANY OF YOU HAVE EVER MADE A

10:56AM 11 CALL TO THE JAIL, BUT EACH TIME YOU CALL, IT TELLS YOU THAT

10:56AM 12 YOU MAY BE RECORDED. HOW MANY RECORDINGS DID WE HEAR OF RENE

10:56AM 13 SALAZAR BEING IN CUSTODY, TELLING PEOPLE WHAT TO DO IN THIS

10:56AM 14 CONSPIRACY? NONE.

10:56AM 15 NOW, IN FACT, THIS CASE IS BASED ON THE RELIANCE

10:57AM 16 OF STATEMENTS MADE BY BOBBY JAMES AND KENNETH HOUSE.

10:57AM 17 NOW, WHERE DOES THIS CASE KIND OF REALLY START?

10:57AM 18 OBVIOUSLY, YOU'VE SEEN THE HIERARCHY AND THE WAY IT GOES.

10:57AM 19 AND A LOT OF THIS PRODUCT HAS BEEN ALLEGED TO HAVE COME FROM

10:57AM 20 MEXICO, FROM PRIMO, BUT, REALLY, FOR THIS CASE, THE MAJOR

10:57AM 21 PLAYER IN THIS CASE IS ANDY NGUYEN.

10:57AM 22 AND YOU HEARD FROM ANDY NGUYEN. LIVING THE HIGH

10:57AM 23 LIFE. LIVING ON THE 12TH FLOOR OF A LOFT APARTMENT ACROSS

10:57AM 24 FROM NORTH PARK MALL, AND HE'S GOT ALL KINDS OF CARS, LIKE A

10:57AM 25 RANGE ROVER, VERSACE WATCHES, ROLEX WATCHES, HE'S GOT STACKS

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1696

1 OF CASH, CURRENCY, THAT WERE AT HIS OWN RESIDENCE THAT HIS OWN
2 WIFE DIDN'T EVEN KNOW ABOUT.

3 NOW, HE TESTIFIED THAT--ALTHOUGH HE PROBABLY HAD
4 MANY OTHER PEOPLE HE WAS DISTRIBUTING TO, THE PRIMARY PERSON
5 INVOLVED IN THIS CASE WAS MIKE CAMACHO; SUBSEQUENTLY, SOMETIMES
6 PRISCILLA CAMACHO. BUT IF YOU PAID ATTENTION TO WHAT HE SAID,
7 HE TOLD YOU THAT IT WAS BASICALLY A BUSINESS POLICY OF HIS THAT
8 HE WASN'T GOING TO TALK TO ANY OF MIKE CAMACHO'S CUSTOMERS,
9 THAT HE WASN'T GOING TO ASK ABOUT WHO THEIR CUSTOMERS WERE
10 AND THINGS LIKE THIS, BUT YET HE IDENTIFIED RENE SALAZAR.

11 WELL, WHEN ASKED HOW HE KNEW WHO RENE SALAZAR WAS,
12 HE ACTUALLY TOLD YOU THAT HE HAD NEVER MET HIM, THAT THE FIRST
13 TIME THAT HE HAD EVER SEEN RENE SALAZAR WAS WHEN HE WAS ALREADY
14 ARRESTED AND HE WAS BEING TRANSPORTED TO THE FANNIN COUNTY
15 JAIL. BUT YET HE MADE THE ALLEGATION INITIALLY THAT RENE
16 SALAZAR CAME TO THIS LOFT APARTMENT COMPLEX ON PARK LANE
17 AND THAT HE WAS THERE TO PICK UP METHAMPHETAMINES WITH MIKE
18 CAMACHO.

19 MIND YOU, HE DIDN'T GO DOWN THERE. SO WHO DID HE
20 SEND? WELL, HE SENT ONE OF HIS EMPLOYEES. SPECIFICALLY, IN
21 THIS INSTANCE, HE SENT MANUEL URBINA. NOW, MANUEL URBINA CAME
22 IN AND HE TOLD YOU THAT MOST DEFINITELY RENE SALAZAR, THAT'S
23 THE PERSON THAT CAME. AND THEY KNEW HIM BY NAME. BUT WHEN
24 ASKED BY THE GOVERNMENT, IF YOU RECALL, MANUEL URBINA HAD A
25 DIFFICULT TIME ACTUALLY PICKING RENE SALAZAR OUT OF OUR TABLE.

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1697

10:59AM 1 YOU RECALL HE HAD TO STAND UP AND LOOK AROUND. AND HE HAD A
10:59AM 2 LOT OF HESITATION WHEN HE ACTUALLY TRIED TO PICK HIM OUT. WHY
10:59AM 3 DID HE DO THAT? WELL, YOU HEARD MANUEL URBINA EXPLAIN THE WAY
10:59AM 4 HE ACTUALLY DID THIS. HE WOULD GO DOWNSTAIRS, HE WOULD GO INTO
10:59AM 5 A PARKING GARAGE, IT'S SOMETHING HE WOULDN'T SPEND A LOT OF
10:59AM 6 TIME WITH, HE WOULD JUST BASICALLY WALK UP TO THE DRIVER'S SIDE
10:59AM 7 DOOR. REMEMBER, ANDY NGUYEN SAID IT'S BASICALLY COMPANY POLICY
10:59AM 8 FOR HIM NOT TO BE QUESTIONING WHO IS WITH MIKE CAMACHO, WHO HIS
10:59AM 9 CUSTOMERS ARE, OR INTERACTING WITH THEM IN ANY KIND OF WAY. IF
10:59AM 10 THAT'S THE CASE, THEN EXACTLY HOW DID HE KNOW WHO RENE SALAZAR
10:59AM 11 WAS?

10:59AM 12 MANUEL URBINA UNDOUBTEDLY KNOWS THAT HIS BOSS, ANDY
11:00AM 13 NGUYEN, HAS RECEIVED A 324-MONTH SENTENCE. 27 YEARS. NOW,
11:00AM 14 CERTAINLY MANUEL URBINA READILY ADMITS, AMONG OTHERS, THAT
11:00AM 15 HE CERTAINLY DOES NOT WANT TO SPEND MOST OF HIS ADULT LIFE IN
11:00AM 16 PRISON EITHER. SO HE'S CERTAINLY GOING TO DO WHATEVER HE CAN
11:00AM 17 DO TO TRY TO HELP THE GOVERNMENT IN THE FURTHERANCE OF THEIR
11:00AM 18 INVESTIGATION AND THE PROSECUTION OF ANYBODY THAT HE COULD.

11:00AM 19 NOW, WITH RESPECT TO MIKE CAMACHO, WE KNOW THAT MIKE
11:00AM 20 CAMACHO WAS RECEIVING HIS NARCOTICS, OR HIS METHAMPHETAMINES,
11:00AM 21 FROM ANDY NGUYEN. NOW, MIKE CAMACHO AND RENE SALAZAR WERE
11:00AM 22 FRIENDS. YOU HEARD THAT FROM HIM AND YOU HEARD THAT FROM MANY
11:00AM 23 PEOPLE. AND A LOT OF THESE PEOPLE IN THIS CASE ARE FRIENDS.
11:00AM 24 MIKE CAMACHO EVEN TOLD YOU THAT HE AND HIS WIFE, ALONG WITH
11:00AM 25 RENE SALAZAR AND ANDREA REEVES, HUNG OUT SOCIALLY TOGETHER,

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1698

11:00AM 1 THEY BARBECUED TOGETHER, THEY WENT UP TO CHOCTAW CASINO IN
11:01AM 2 DURANT TOGETHER. THIS IS SOME OF THE TESTIMONY THAT YOU
11:01AM 3 ACTUALLY HEARD.

11:01AM 4 NOW, BECAUSE THEY WERE FRIENDS AND BECAUSE HE WAS
11:01AM 5 AROUND, MIKE CAMACHO HAD THE OPPORTUNITY TO MEET MORE THAN A
11:01AM 6 FEW PEOPLE IN THE SHERMAN-DENISON AREA. I MEAN, YOU KNOW, HE
11:01AM 7 MET TREY TIBBS, FOR INSTANCE. NOW, MIKE CAMACHO NEVER TOLD
11:01AM 8 YOU THAT TREY TIBBS WAS WORKING FOR RENE SALAZAR. QUITE THE
11:01AM 9 CONTRARY, HE TOLD YOU HE WAS WORKING FOR KENNETH HOUSE. BUT
11:01AM 10 HE SAW TREY TIBBS.

11:01AM 11 HE TOLD YOU THAT HE'D ALSO MET MELISSA STEWART
11:01AM 12 THROUGH RENE SALAZAR. AND SUBSEQUENTLY MELISSA STEWART
11:01AM 13 CONFIRMED THAT. BUT IF YOU REMEMBER WHAT MELISSA STEWART
11:01AM 14 SAID, SHE DIDN'T SAY THAT RENE SALAZAR INTRODUCED HER TO MIKE
11:01AM 15 CAMACHO, "HEY, THIS IS MY METHAMPHETAMINE SOURCE OF SUPPLY."
11:01AM 16 SHE DIDN'T GIVE A REASON WHY THEY INTRODUCED--THEY WERE
11:01AM 17 INTRODUCED. THEY JUST WERE BECAUSE THEY WERE ALL HANGING OUT
11:01AM 18 IN THE SAME GENERAL AREA.

11:01AM 19 NOW, YOU'LL HEAR--YOU WILL RECALL THAT RENE SALAZAR
11:02AM 20 DID RECEIVE SOME SMALL AMOUNTS INITIALLY FROM MIKE CAMACHO.
11:02AM 21 AND HE RECEIVED THOSE DIRECTLY. BUT MIKE CAMACHO, HE'S A
11:02AM 22 BROKER. RIGHT? AND HE'S LOOKING FOR THE BIG DEAL. I MEAN,
11:02AM 23 HE'S NOT GOING TO BE OUT THERE DOING THINGS ON HIS OWN.
11:02AM 24 INSTEAD, HE'S USING PRISCILLA CAMACHO TO DO MOST OF THE
11:02AM 25 DELIVERIES FOR HIM.

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1699

11:02AM 1 NOW, MIKE CAMACHO TESTIFIED THAT HE DISTRIBUTED,
11:02AM 2 EITHER HIMSELF OR THROUGH PRISCILLA, APPROXIMATELY 58 POUNDS
11:02AM 3 OF METHAMPHETAMINE. HE ACTUALLY TOLD YOU THAT MORE THAN
11:02AM 4 THREE-FOURTHS OF THAT AMOUNT WAS TO KENNETH HOUSE ALONE. WHO
11:02AM 5 ARE THE OTHER CUSTOMERS THAT MIKE CAMACHO HAD UP THERE? IF YOU
11:02AM 6 REMEMBER, BEGINNING THE SUMMER OF 2010 ALL THE WAY UP THROUGH
11:02AM 7 MIKE CAMACHO'S ARREST IN JANUARY OF 2012 THERE WERE A NUMBER
11:03AM 8 OF AGREEMENTS THAT HE SET UP, THERE WERE A NUMBER OF DEALS THAT
11:03AM 9 HE BROKERED.

11:03AM 10 HE STARTED OUT WITH KENNETH HOUSE, OBVIOUSLY.
11:03AM 11 THREE-FOURTHS OF THAT WOULD 58 POUNDS IS KENNETH HOUSE'S. NOW,
11:03AM 12 AT SOME POINT, WHEN KENNETH HOUSE WAS ARRESTED, RENE SALAZAR
11:03AM 13 WAS ALSO ALREADY INCARCERATED, HE HAD SOME SORT OF SEPARATE
11:03AM 14 AGREEMENT WITH CHARLES QUIROLO.

11:03AM 15 SUBSEQUENT TO THAT, WHEN HE FIGURED OUT THAT THINGS
11:03AM 16 WEREN'T REALLY WORKING WELL WITH CHARLES QUIROLO, WHAT DID MIKE
11:03AM 17 CAMACHO DO? WELL, HE STARTED WORKING INDEPENDENTLY WITH TREY
11:03AM 18 TIBBS, BOBBY JAMES, MELISSA STEWART. SO THESE ARE THE DEALS
11:03AM 19 THAT MIKE CAMACHO IS BROKERING.

11:03AM 20 RENE SALAZAR IS ALREADY IN CUSTODY AT THIS POINT.
11:03AM 21 SO HE'S CLEARLY NOT BROKERING THESE DEALS.

11:03AM 22 NOW, THROUGH THE COURSE OF THIS TRIAL, YOU HEARD
11:03AM 23 THAT PRISCILLA CAMACHO, MIKE'S SISTER, STARTED WORKING FOR HIM,
11:03AM 24 STARTED DOING DELIVERIES FOR HIM. YOU RECALL THAT INITIALLY
11:04AM 25 WHEN SHE STARTED DOING HER DELIVERIES, EVERYTHING WAS WRAPPED

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1700

11:04AM 1 UP; SHE DIDN'T EVEN KNOW WHAT IT WAS. SHE COULDN'T TELL YOU
11:04AM 2 HOW MUCH IT WAS. SHE DIDN'T KNOW. ALL SHE WAS DOING WAS
11:04AM 3 MAKING THESE DELIVERIES SO THAT SHE COULD MAKE SOME MONEY FOR
11:04AM 4 ENDS TO MEET.

11:04AM 5 NOW, SHE READILY ADMITS THAT ANDREA REEVES SOMETIMES
11:04AM 6 WAS AT RENE SALAZAR'S HOUSE. AT THAT TIME, SHE WASN'T DEALING
11:04AM 7 WITH ANDREA REEVES AT ALL.

11:04AM 8 SHE ALSO TELLS YOU THAT SHE MET CHRISTINA HOUSE
11:04AM 9 NUMEROUS TIMES. WHAT I FIND INTERESTING IS THAT ONCE MIKE
11:04AM 10 CAMACHO WAS ARRESTED, THIS WAS PRISCILLA CAMACHO'S OPPORTUNITY
11:04AM 11 SO THAT SHE COULD DEVELOP HER OWN CLIENT BASE. RIGHT? BUT
11:04AM 12 DOES THAT REALLY MAKE SENSE? MIKE CAMACHO IS ARRESTED IN
11:04AM 13 JANUARY OF 2012. AND WHEN PRISCILLA CAMACHO WAS ARRESTED,
11:04AM 14 YOU RECALL SHE WAS STAYING AT MIKE CAMACHO'S RESIDENCE. SHE
11:04AM 15 WAS LIVING THERE. AND ONE OF THE PICTURES THAT YOU SAW IN
11:05AM 16 GOVERNMENT'S EXHIBIT 6, I BELIEVE IT WAS PICTURE 2, WAS A
11:05AM 17 LEDGER SHEET THAT PRISCILLA CAMACHO READILY ADMITTED WAS HERS.
11:05AM 18 IT HAS THE NAMES "ANDREA, SHANNON, MARANDA." THIS IS ANDREA
11:05AM 19 REEVES, THIS IS MELISSA STEWART, THIS IS SHANNON ASKEW. NOW,
11:05AM 20 SHE WANTS US TO BELIEVE THAT ONLY AFTER MIKE GOT ARRESTED DID
11:05AM 21 SHE DEVELOP AN INDEPENDENT CLIENT BASE WITH ALL OF THE FEMALES
11:05AM 22 THAT SHE HAD MET DURING THE COURSE OF HER RUNNING UP NORTH,
11:05AM 23 MAKING DELIVERIES FOR HER BROTHER, KENNETH HOUSE AND SOME OF
11:05AM 24 THE OTHER PLAYERS HERE. NOW, WHY WOULD SHE SAY THAT?

11:05AM 25 FURTHERMORE, SHE TOLD YOU THAT SHE ACTUALLY LEARNED

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1701

11:05AM 1 PEOPLE'S NAMES FOR THE FIRST TIME AFTER EVERYBODY WAS ARRESTED,
11:05AM 2 AFTER SHE READ IT ON THE INDICTMENT LIST. WELL, WHY DO YOU
11:05AM 3 THINK IT'S IMPORTANT FOR HER TO LEARN PEOPLE'S NAMES NOW THAT
11:06AM 4 SHE'S ARRESTED?

11:06AM 5 WHAT ABOUT THE OTHER WING? WE HAD MIKE CAMACHO ON
11:06AM 6 ONE SIDE; WE HAD FERNANDO PERALES ON THE OTHER SIDE. NOW,
11:06AM 7 FERNANDO PERALES TOLD YOU THAT HE MET HOUSE THROUGH SOME LADY
11:06AM 8 NAMED AMANDA, IN GUNTER. OBVIOUSLY, YOU NEVER GOT TO HEAR FROM
11:06AM 9 AMANDA. BUT SOMETIME IN 2011 KENNETH HOUSE BEGAN DEALING WITH
11:06AM 10 FERNANDO PERALES. THEY INITIALLY STARTED OUT WITH EIGHT OUNCES
11:06AM 11 AND QUICKLY WORKED THEIR WAY UP TO A POUND A WEEK. AND THAT'S
11:06AM 12 VERY CONSISTENT THAT KENNETH HOUSE WAS ALWAYS MEETING FERNANDO
11:06AM 13 PERALES. I THINK ONE TIME HE HAD BOBBY JAMES WITH HIM. A LOT
11:06AM 14 OF TIMES HE HAD HIS WIFE, CHRISTINA HOUSE, WITH HIM.

11:06AM 15 AT SOME POINT KENNETH HOUSE TELLS FERNANDO PERALES,
11:06AM 16 "I'VE GOT A PARTNER. IT'S RENE SALAZAR. YOU'RE GONNA DEAL
11:06AM 17 WITH HIM. IF I'M EVER UNAVAILABLE, THAT'S WHO YOU ARE GONNA
11:07AM 18 SEE." NOW, REMEMBER, AT THIS POINT THIS IS A RELATIONSHIP THAT
11:07AM 19 HAS DEVELOPED BETWEEN KENNETH HOUSE AND FERNANDO PERALES. AND
11:07AM 20 THEY'RE MOVING A POUND, 16 OUNCES. BUT FERNANDO PERALES TELLS
11:07AM 21 YOU THAT THE FEW TIMES THAT HE ACTUALLY DID DELIVER TO RENE
11:07AM 22 SALAZAR, FOUR OUNCES WAS THE HIGHEST AMOUNT.

11:07AM 23 SOMETHING ELSE THAT BOTHERED ME THROUGHOUT THIS
11:07AM 24 CASE, IF YOU HAVE THIS PARTNERSHIP, IF YOU ARE GONNA SEND THIS
11:07AM 25 PARTNER TO GO PICK UP METHAMPHETAMINE, WHY WOULD HE ONLY BE

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1702

11:07AM 1 ALLOWED TO PICK UP A QUARTER OF THE WEIGHT? THAT JUST NEVER
11:07AM 2 MADE SENSE TO ME. I THINK IT'S BECAUSE THERE REALLY WAS
11:07AM 3 ACTUALLY NO PARTNERSHIP BETWEEN KENNETH HOUSE AND RENE SALAZAR.
11:07AM 4 MY BELIEF IS THAT THIS IS JUST A FABRICATION OF KENNETH HOUSE
11:07AM 5 TO MANIPULATE THE FACTS TO SUIT HIS BEST INTERESTS.

11:07AM 6 NOW, WHEN KENNETH HOUSE WENT TO JAIL, YOU HEARD
11:08AM 7 TESTIMONY THAT CHRISTINA HOUSE BEGAN GOING TO PICK UP METH FROM
11:08AM 8 FERNANDO PERALES. I BELIEVE LATER IN THE TRIAL YOU ALSO HEARD
11:08AM 9 THAT CHRISTINA HOUSE ADMITTED THAT KENNETH HOUSE DIDN'T KNOW
11:08AM 10 SHE WAS DOING IT AND, IN FACT, DIDN'T WANT HER TO DO IT. BUT
11:08AM 11 NONETHELESS SHE BEGAN PICKING UP METHAMPHETAMINES FROM PERALES.
11:08AM 12 SHE DID THIS HERSELF, SOMETIMES WITH TREY TIBBS, SOMETIMES WITH
11:08AM 13 KISHA BOWEN. KEEP IN MIND THAT WHEN SHE'S DOING THIS WITH TREY
11:08AM 14 TIBBS, WHO IS TREY TIBBS? HE'S KENNETH HOUSE'S EMPLOYEE. AND
11:08AM 15 NOW HE'S GOING UP AND RUNNING WITH CHRISTINA HOUSE? IT KIND OF
11:08AM 16 SEEMS LIKE IT'S JUST THE CARRYING ON OF THE FAMILY BUSINESS, TO
11:08AM 17 ME.

11:08AM 18 BUT WE NEVER HEARD--AFTER KENNETH HOUSE WAS ARRESTED
11:08AM 19 IN JULY OF 2011, WE NEVER HEARD ANYTHING ABOUT CHRISTINA HOUSE
11:09AM 20 AND RENE SALAZAR EVER GOING TO FERNANDO PERALES'S PLACE IN
11:09AM 21 DUNCANVILLE TO PICK UP METHAMPHETAMINES, DID WE? WE NEVER
11:09AM 22 HEARD THAT.

11:09AM 23 I THOUGHT AN INTERESTING OBSERVATION IN THIS CASE
11:09AM 24 IS THAT MOST OF THE FEMALES THAT TESTIFIED CAME IN HERE IN
11:09AM 25 REGULAR CLOTHES. THEY WERE OUT ON SOME SORT OF BOND OR

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1703

1 PRETRIAL CONDITIONS.

2 NOW, WHETHER WE'RE TALKING ABOUT FERNANDO PERALES,
3 MIKE CAMACHO OR PRISCILLA CAMACHO DELIVERING FOR HIM, I THINK
4 THAT THERE'S AMPLE EVIDENCE THAT METHAMPHETAMINES WERE CERTAINLY
5 MOVING UP 75 UP TO THE SHERMAN-DENISON AREA. I DON'T THINK
6 THERE'S ANY DISPUTE ABOUT THAT.

7 NOW, ONE OF THE PLAYERS UP IN THE SHERMAN-DENISON
8 AREA WAS CHARLES QUIROLO. YOU SAW HIS PICTURE UP ON THE SCREEN
9 MANY TIMES. AND HE LOOKED A BIT ROUGH. HIS PICTURE WAS
10 PROBABLY NOT ONE OF HIS BETTER GLAMOUR SHOTS.

11 NOW, WHEN HE CAME IN, ON THE OTHER HAND, I THOUGHT
12 HE CLEANED UP PRETTY WELL. HE WAS IN A SUIT AND A TIE, AND HE
13 TESTIFIED THAT HE HAD BEEN CLEAN FOR SIX MONTHS, WHICH I GUESS
14 YOU WOULD EXPECT AFTER HE HAD BEEN SOBER SIX MONTHS THAT HE
15 WOULD CLEAN UP BETTER THAN HIS PICTURES INITIALLY INDICATED.
16 THIS IS PROBABLY A SIMILAR CHANGE THAT'S HAPPENED IN HIS MEMORY
17 NOW THAT HE'S BEEN CLEAN FOR SIX MONTHS. AND HE'S CERTAINLY
18 HERE TO DO WHATEVER HE CAN DO TO SAVE HIMSELF AS WELL. THE
19 GOVERNMENT WAS QUICK TO POINT OUT EVERYBODY'S BENEFIT THAT THEY
20 WERE RECEIVING OR THE POTENTIAL OF BENEFIT THAT THEY'RE GOING
21 TO RECEIVE.

22 NOW, IT WAS ALSO QUIROLO, YOU RECALL, WHO WAS
23 DEALING WITH MIKE CAMACHO IN 2011 AND I GUESS WAS MESSING UP
24 THE MONEY. AND THEN THIS IS WHEN--THIS IS--SOMEHOW, I GUESS,
25 THAT RENE SALAZAR MUST HAVE SET THIS UP WHILE HE WAS

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1704

11:10AM 1 INCARCERATED THAT CHARLIE QUIROLO WAS SUPPOSED TO TAKE OVER
11:10AM 2 THE BUSINESS. BUT KEEP IN MIND THAT CHARLES QUIROLO LIVED NEXT
11:11AM 3 DOOR TO RENE SALAZAR. HE RENTED RENE--OR HE OR HIS FAMILY
11:11AM 4 RENTED RENE SALAZAR A PLACE TO LIVE. THEY SUBSEQUENTLY SOLD
11:11AM 5 ONE OF THEIR PROPERTIES TO RENE SALAZAR'S MOTHER THAT SHE STILL
11:11AM 6 LIVES IN TODAY. I MEAN, CHARLES QUIROLO HAD AMPLE OPPORTUNITY
11:11AM 7 TO MEET ANYBODY THAT ACTUALLY CAME OVER TO RENE SALAZAR'S HOUSE
11:11AM 8 ON DAY STREET.

11:11AM 9 CHARLES QUIROLO, HE CLAIMS THAT HE WAS MAKING
11:11AM 10 DELIVERIES FOR RENE SALAZAR. AND I REMEMBER SPECIFICALLY THAT
11:11AM 11 HE TESTIFIED THAT FOR A COUPLE-OF-MONTH PERIOD, PRESUMABLY JUNE
11:11AM 12 TO AUGUST OF 2011, WHEN RENE SALAZAR WAS LIVING NEXT DOOR,
11:11AM 13 THAT HE WAS DELIVERING TWO OUNCES EVERY OTHER DAY OR SO TO TREY
11:11AM 14 TIBBS, TO MELISSA STEWART, AND TO BOBBY JAMES, AND THAT HE WAS
11:11AM 15 BRINGING THE MONEY BACK TO RENE SALAZAR.

11:11AM 16 LET'S LOOK AT THESE LAST THREE. BOBBY JAMES. HE
11:12AM 17 TESTIFIED THAT HE WAS DEALING WITH A COMPLETELY DIFFERENT
11:12AM 18 CIRCLE OF FRIENDS, AND THAT FELL APART WITH THE ARREST OF MOST
11:12AM 19 OF THE PEOPLE HE WAS INVOLVED WITH. NOW HE'S LOOKING FOR A
11:12AM 20 NEW SOURCE OF SUPPLY. AND WHO DID HE FIND? KENNETH HOUSE.
11:12AM 21 HE IMMEDIATELY BEGINS WORKING FOR HIM. YOU SAW ON THE
11:12AM 22 GOVERNMENT'S SCREEN THAT HE WAS RUNNING FOR HIM, MAKING \$500
11:12AM 23 A DAY. \$500 A DAY RUNNING FOR KENNETH HOUSE AND SUPPLYING--
11:12AM 24 AND KENNETH HOUSE WAS SUPPLYING THIS EVERY DAY.

11:12AM 25 NOW, BOBBY JAMES KNEW THAT ONE OF THE OTHER RUNNERS

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1705

11:12AM 1 THAT KENNETH HOUSE WAS EMPLOYING WAS TREY TIBBS. I MEAN, TIBBS
11:12AM 2 WAS ORIGINALLY WORKING FOR HIM, AND THEN, ONCE HE GOT ARRESTED,
11:12AM 3 OBVIOUSLY, HE DIDN'T. BUT IMMEDIATELY UPON HIS ARREST IN 2011
11:12AM 4 TREY TIBBS IMMEDIATELY BEGAN WORKING AGAIN FOR KENNETH HOUSE.
11:12AM 5 HE WAS GETTING PAID \$25 EVERY QUARTER-OUNCE. NOW, HE DID
11:12AM 6 THIS THROUGH JULY OF 2011, UNTIL KENNETH HOUSE GOT ARRESTED.

11:13AM 7 NOW, HE DID TESTIFY THAT HE WAS RECEIVING SMALL
11:13AM 8 QUANTITIES, ABOUT TWO OUNCES, FOR A SHORT TIME FROM RENE
11:13AM 9 SALAZAR. HE TESTIFIED THAT HE WAS RECEIVING THESE TWO OUNCES
11:13AM 10 EVERY DAY FOR A TWO-MONTH SPAN. NOW, KENNETH HOUSE WAS
11:13AM 11 ARRESTED IN JULY OF 2011 FOR A DIRTY UA. RENE SALAZAR WAS
11:13AM 12 ARRESTED AUGUST 15TH OF 2011. AND YOU HEARD MULTIPLE PEOPLE
11:13AM 13 TESTIFY THAT HE WAS ALREADY IN STATE CUSTODY. SO WHY WOULD
11:13AM 14 TIBBS SAY THIS?

11:13AM 15 THE THIRD PERSON THAT CHARLES QUIROLO IDENTIFIED
11:13AM 16 THAT HE WAS DELIVERING TO FOR RENE SALAZAR WAS MELISSA STEWART.
11:13AM 17 SHE SAID THAT SHE MET RENE SALAZAR IN JUNE OF 2011 THROUGH HER
11:14AM 18 SISTER, SHERRY WEST. THEY HAD A DATING RELATIONSHIP, IT WENT
11:14AM 19 SOUTH, SHE OBVIOUSLY STILL KNEW HIM, AND FROM JUNE UNTIL
11:14AM 20 AUGUST--FROM JUNE TILL AUGUST MISSY STEWART--MELISSA STEWART--
11:14AM 21 SAID SHE WAS GETTING A QUARTER-OUNCE TO AN OUNCE, WITH AN OUNCE
11:14AM 22 BEING THE BIGGEST TRANSACTION SHE EVER DID FOR RENE, THAT SHE
11:14AM 23 WAS GETTING THAT CONSISTENTLY OVER A TWO-MONTH PERIOD. BUT
11:14AM 24 THEN SHE CLARIFIED AND SHE SAID THAT 80 PERCENT SHE WAS
11:14AM 25 ACTUALLY RECEIVING FROM CHARLES QUIROLO. NOW, I DON'T

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1706

11:14AM 1 UNDERSTAND WHY CHARLES QUIROLO IS GOING TO SAY THAT HE WAS
11:14AM 2 MAKING THESE DELIVERIES TO THESE PEOPLE FOR RENE SALAZAR WHEN
11:14AM 3 BOBBY JAMES AND TREY TIBBS WERE WORKING FOR KENNETH HOUSE.
11:14AM 4 SO WHO'S TELLING THE TRUTH THERE? IT SEEMS LIKE THEY'RE
11:14AM 5 CONFLICTING STATEMENTS.

11:14AM 6 NOW, JAMES AND TIBBS, THEY BOTH SAY THAT THEY
11:14AM 7 ACTUALLY WORKED FOR KENNETH HOUSE. BUT THEY NEVER TOLD YOU
11:14AM 8 THAT THEY REALLY DELIVERED FOR RENE SALAZAR. TREY TIBBS
11:15AM 9 ALLEGED IN THAT TWO-MONTH PERIOD THAT HE WAS RECEIVING, BUT HE
11:15AM 10 WASN'T NECESSARILY DISTRIBUTING TO ANYBODY. HE DIDN'T TELL YOU
11:15AM 11 THAT. HE NEVER IDENTIFIED, REALLY, ANY OF HIS CUSTOMERS THAT
11:15AM 12 HE WAS ACTUALLY DISTRIBUTING TO. AND THE TIME FRAMES JUST
11:15AM 13 DON'T WORK OUT.

11:15AM 14 NOW, WHAT I FOUND INTERESTING WAS THAT WHETHER IT
11:15AM 15 WAS BOBBY JAMES, MELISSA STEWART, TREY TIBBS, ALL THREE HAD
11:15AM 16 THE SAME THING IN COMMON. THEY INITIALLY KIND OF DEALT WITH
11:15AM 17 CHARLES QUIROLO BECAUSE THEY KNEW THAT CHARLES QUIROLO KNEW
11:15AM 18 MANUEL CAMACHO. SO THEY WERE DEALING WITH HIM. CHARLES
11:15AM 19 QUIROLO PROVED VERY UNRELIABLE. SO WHAT DID THEY DO? THEY
11:15AM 20 COMPLETELY CUT OUT CHARLES QUIROLO AND WENT DIRECTLY TO MIKE
11:15AM 21 CAMACHO THEMSELVES. MIND YOU, THIS IS LONG AFTER RENE SALAZAR
11:15AM 22 IS ALREADY IN STATE CUSTODY. SO ALL OF THIS STUFF THAT'S
11:15AM 23 HAPPENING, HE DOESN'T HAVE ANY CONTROL OVER IT.

11:16AM 24 NOW, I WILL SAY THAT ALL THREE OF THESE PEOPLE ALL
11:16AM 25 HAVE THE SAME THING TO SAY ABOUT RENE SALAZAR. THEY ALL SAY

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1707

11:16AM 1 THAT HE'S A PARTNER OF KENNETH HOUSE.

11:16AM 2 THROUGHOUT THIS PERIOD OF TIME IN THE SUMMER OF
11:16AM 3 2011, FROM JUNE TO THE AUGUST TIME PERIOD, LIVING ON DAY
11:16AM 4 STREET, RENE SALAZAR WAS LIVING WITH ANDREA REEVES.

11:16AM 5 NOW, ANDREA REEVES TOLD YOU THAT SHE WAS USING
11:16AM 6 DURING THIS TIME, BUT SHE TOLD YOU THAT HER SOURCE OF SUPPLY
11:16AM 7 WAS BRENDA REEVES. YOU'VE GOT THIS MAJOR DRUG TRAFFICKER
11:16AM 8 LIVING UNDER YOUR SAME ROOF. WHY WOULD YOU FEEL THE NEED TO GO
11:16AM 9 TO A DIFFERENT SOURCE OF SUPPLY? WOULDN'T IT BE RIGHT THERE,
11:16AM 10 HANDY? TREY TIBBS SAID IT WAS IN THE MASTER BEDROOM. ARE
11:16AM 11 WE REALLY TO BELIEVE THAT METHAMPHETAMINE WAS IN THE MASTER
11:16AM 12 BEDROOM AND ANDREA REEVES DIDN'T KNOW ABOUT IT? LET'S FACE IT.
11:16AM 13 SHE'S USING IT, SHE'S PROBABLY AN ADDICT. IF SHE'S AN ADDICT,
11:16AM 14 DON'T YOU THINK IF IT WAS IN HER OWN MASTER BEDROOM THAT SHE
11:17AM 15 WOULD CERTAINLY SEEK THAT OUT AND UTILIZE THAT RESOURCE?

11:17AM 16 NOW, SHE GOT UP THERE AND SHE TOLD YOU THAT SHE
11:17AM 17 HAD--YOU KNOW, SHE HAD KIDS AND THAT SHE DIDN'T WANT HER KIDS
11:17AM 18 TO BE AROUND THAT ENVIRONMENT, THAT SHE DIDN'T WANT HER KIDS TO
11:17AM 19 BE THERE AT THE HOUSE. FOLKS, SHE DIDN'T EVEN HAVE CUSTODY OF
11:17AM 20 HER KIDS. MAYBE THEY CAME OVER FOR SOME VISITATION HERE AND
11:17AM 21 THERE, BUT SHE DIDN'T HAVE CUSTODY OF THEM. SO FOR HER TO SIT
11:17AM 22 UP THERE AND MAKE THE ARGUMENT THAT SHE WAS TRYING TO PROTECT
11:17AM 23 HER KIDS WHILE TALKING OUT OF THE OTHER SIDE OF HER MOUTH AND
11:17AM 24 SAYING THAT SHE WAS AN HABITUAL USER OF METHAMPHETAMINE IS KIND
11:17AM 25 OF A CONTRADICTORY STATEMENT.

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1708

11:17AM 1 BUT SHE ALSO CONFIRMED THAT SHE KNEW MIKE CAMACHO,
11:17AM 2 SHE KNEW MIKE CAMACHO'S WIFE, THAT THEY ALL HUNG OUT SOCIALLY.
11:17AM 3 AND I THINK IT WAS PRETTY WELL-ESTABLISHED THAT MIKE CAMACHO
11:17AM 4 AND RENE SALAZAR WERE FRIENDS.

11:17AM 5 BUT ANDREA REEVES, HER OPPORTUNITY IN THIS CASE
11:18AM 6 HAPPENED AUGUST 15TH, 2011, WHEN RENE SALAZAR WENT IN STATE
11:18AM 7 CUSTODY. THAT'S WHEN SHE DECIDED ON HER OWN VOLITION THAT
11:18AM 8 SHE WAS GONNA START DEALING METHAMPHETAMINES HERSELF. AND
11:18AM 9 SHE WASTED NO TIME IN DOING SO. SHE WASTED NO TIME IN SETTING
11:18AM 10 UP HER OWN SITUATION WITH MIKE CAMACHO AND SUBSEQUENTLY WITH
11:18AM 11 PRISCILLA CAMACHO. IN FACT, YOU'LL RECALL IN GOVERNMENT'S
11:18AM 12 EXHIBIT 6 ANDREA IS ONE OF THE NAMES ON THERE. SHE TESTIFIED
11:18AM 13 THAT SHE ACTUALLY BECAME HER OWN STEPMOTHER'S SOURCE OF SUPPLY.

11:18AM 14 THE COURT: MR. KEMP, YOU HAVE ABOUT TWO AND A HALF
11:18AM 15 MINUTES.

11:18AM 16 MR. KEMP: THANK YOU, YOUR HONOR.

11:18AM 17 NOW, THE MOST IMPORTANT PERSON IN THIS CASE IS
11:18AM 18 DEFINITELY KENNETH HOUSE. HE TOLD YOU HE FIRST BEGAN DEALING
11:18AM 19 DRUGS IN 1996. 1996. SO HE'S DONE THIS FOR 15 YEARS. BUT
11:18AM 20 WHAT IS KENNETH HOUSE? HE'S A LIAR, PLAIN AND SIMPLE. HE TOLD
11:19AM 21 YOU HE HAD CANCER, BUT HE HAD REALLY NEVER BEEN DIAGNOSED. HE
11:19AM 22 JUST THOUGHT MAYBE IT WAS HEREDITARY. HE HAD NEVER FOLLOWED IT
11:19AM 23 UP.

11:19AM 24 HE TOLD EVERYBODY THAT THERE WAS THIS PARTNERSHIP
11:19AM 25 THAT WAS GOING ON WITH HE AND RENE SALAZAR, BUT YET HE WAS THE

CLOSING STATEMENT BY DEFENDANT RENE SALAZAR

1709

1 ONE THAT SET UP THE SOURCES OF SUPPLY, HE WAS THE ONE THAT GOT
2 THE CONNECTION WITH FERNANDO PERALES, OR DOGG. THAT WAS JUST
3 HIM. AND THEN HE TRIES TO COME IN AND TELL YOU THAT "WELL, I
4 FOUND THIS SOURCE OF SUPPLY, AND NOW I'M GOING TO SET UP THIS
5 PARTNERSHIP WITH RENE SALAZAR." REALLY? WOULDN'T IT MAKE
6 MORE SENSE TO SET UP A PARTNERSHIP AGREEMENT BEFORE YOU WENT
7 OUT TO TRY TO FIND A SOURCE OF SUPPLY? I THOUGHT WHAT WAS
8 INTERESTING WAS, WHEN HE GOT PULLED OVER IN 2011, HE NEVER
9 MENTIONED RENE SALAZAR'S NAME, DID HE? WHY NOT? I'M SURE THE
10 GOVERNMENT WOULD ARGUE THAT IT WAS FOR SOME SORT OF PROTECTION.

11 THE FIRST TIME THAT HE ACTUALLY MENTIONED RENE
12 SALAZAR'S NAME WAS IN 2012, WHEN HE STARTED DEALING WITH THIS
13 FEDERAL THING. WHY? BECAUSE HE'S GOT TO FIND SOMEBODY TO PIN
14 SOMETHING ON, BECAUSE HE DOESN'T WANT TO SPEND THE REST OF MOST
15 OF HIS ADULT LIFE IN PRISON. HE USED THE SYMPATHY CARD OF
16 CANCER, AND IT DIDN'T WORK OUT WELL. HE TOLD LAW ENFORCEMENT
17 HIS WIFE DIDN'T KNOW ANYTHING ABOUT IT, BUT WE ALL KNOW SHE
18 DID. IN FACT, WHEN MS. HOUSE CAME IN, SHE TESTIFIED THAT HE
19 WAS A LIAR. SHE TESTIFIED THAT HE MADE UP EVERYTHING ABOUT THE
20 CASE. SHE TESTIFIED THAT EVEN SMALL THINGS HE WOULD MAKE UP,
21 EXAGGERATE. SO WHY WOULD HE NOT BE EXAGGERATING NOW?

22 I'D ASK YOU THAT YOU--IT'S YOUR JOB TO DETERMINE
23 WHAT FACTS ARE ACCURATE AND WHAT FACTS ARE INACCURATE. YOU
24 ARE GOING TO HAVE THE OPPORTUNITY TO FLESH OUT ALL THE LIES OF
25 KENNETH HOUSE AND ANY OTHER WITNESSES THAT YOU MAY THINK ARE

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1710

11:20AM 1 BEING UNTRUTHFUL. YOU ARE GOING TO HAVE THE OPPORTUNITY TO
11:21AM 2 FLESH ALL OF THOSE OUT AND DETERMINE THE FACTS FOR YOURSELF.
11:21AM 3 IN THE EVENT THAT YOU DETERMINE THAT RENE SALAZAR WAS PART
11:21AM 4 OF THE CONSPIRACY, I WANT YOU TO TAKE A LOOK AT THE FACTS AND
11:21AM 5 JUDGE OUR FACTS IN DETERMINING THE ACTUAL QUANTITY THAT WAS
11:21AM 6 DIRECTLY ATTRIBUTABLE TO RENE SALAZAR, AND NOT TO KENNETH HOUSE
11:21AM 7 OR SOME OTHER WITNESS THAT CERTAINLY HAS THE ABILITY AND THE
11:21AM 8 OPPORTUNITY TO EXAGGERATE THOSE NUMBERS.

11:21AM 9 THANK YOU.

11:21AM 10 THE COURT: THANK YOU, MR. KEMP.

11:21AM 11 LADIES AND GENTLEMEN, ARE YOU READY TO KEEP GOING
11:21AM 12 WITH ARGUMENTS, OR DO YOU NEED A BREAK? A BREAK? ALL RIGHT.

11:21AM 13 MR. WHALEN, LET'S TAKE A 10-MINUTE RECESS.

11:22AM 14 COURT SECURITY OFFICER: ALL RISE.

11:22AM 15 [OPEN COURT, DEFENDANTS PRESENT, JURY NOT PRESENT]

11:22AM 16 THE COURT: ALL RIGHT. WE'LL RECESS FOR 10 MINUTES.

11:22AM 17 WE HAVE BEEN GOING FOR ABOUT TWO HOURS AND 15 MINUTES.

11:22AM 18 [RECESS]

11:33AM 19 [OPEN COURT, DEFENDANTS PRESENT, JURY NOT PRESENT]

11:33AM 20 THE COURT: THANK YOU. PLEASE BE SEATED.

11:34AM 21 MR. NEWBERRY, PLEASE BRING IN THE JURY.

11:34AM 22 COURT SECURITY OFFICER: ALL RISE FOR THE JURY.

11:35AM 23 [OPEN COURT, DEFENDANTS AND JURY PRESENT]

11:35AM 24 THE COURT: ALL RIGHT. YOU MAY BE SEATED.

11:35AM 25 MR. WHALEN.

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1711

11:35AM 1 **CLOSING STATEMENT ON BEHALF OF DEFENDANT BOWEN**

11:35AM 2 **MR. WHALEN: MAY IT PLEASE THE COURT.**

11:35AM 3 **COUNSEL.**

11:35AM 4 **GOOD MORNING, LADIES AND GENTLEMEN.**

11:35AM 5 **I'M GOING TO TRY SOMETHING NEW FOR THE FIRST TIME.**

11:35AM 6 **I DO HAVE A POWERPOINT PRESENTATION. SO WE'RE GONNA SEE HOW**

11:35AM 7 **IT GOES. SO BEAR WITH ME.**

11:35AM 8 **BUT, FIRST, YOU HAVE THOSE JURY INSTRUCTIONS IN**

11:35AM 9 **FRONT OF YOU, AND THAT'S THE LAW YOU HAVE, AND YOU HAVE TO**

11:35AM 10 **APPLY IT IN THIS CASE. THAT'S KIND OF THE ROAD MAP OR FILTER**

11:35AM 11 **THAT YOU NEED TO TAKE ALL THAT EVIDENCE AND FILTER IT THROUGH,**

11:35AM 12 **BECAUSE THE ONE THING YOU NEED TO UNDERSTAND IS, JUST BECAUSE**

11:35AM 13 **THERE'S EVIDENCE, IT DOESN'T NECESSARILY EQUAL PROOF. SO KEEP**

11:35AM 14 **THAT IN MIND.**

11:35AM 15 **SO, AS WE GOT STARTED IN THIS TRIAL, WE STARTED**

11:35AM 16 **OFF WITH THE PREMISE THAT EACH AND EVERY PERSON IS PRESUMED**

11:35AM 17 **INNOCENT. SO WHEN WE START IN THE BEGINNING, TIM BOWEN IS NOT**

11:35AM 18 **GUILTY. THAT'S WHERE YOU START. HE'S NOT GUILTY UNLESS AND**

11:36AM 19 **UNTIL THEY PROVE THE CASE TO YOU BEYOND A REASONABLE DOUBT.**

11:36AM 20 **OKAY?**

11:36AM 21 **SO THEN NOW LET'S GO THROUGH THAT. OBVIOUSLY,**

11:36AM 22 **THERE'S FOUR ELEMENTS IN THE CHARGE. I'M JUST GONNA TALK**

11:36AM 23 **ABOUT THESE THREE BECAUSE, FRANKLY, I DON'T THINK YOU NEED TO**

11:36AM 24 **GET TO DRUG QUANTITY. WHEN YOU FILTER ALL THROUGH THE EVIDENCE**

11:36AM 25 **IN THIS CASE, YOU'RE GONNA END UP TO A "NOT GUILTY."**

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1712

11:36AM 1 BUT, FIRST, YOU HAVE TO HAVE TWO OR MORE PERSONS
11:36AM 2 DIRECTLY OR INDIRECTLY REACH AN AGREEMENT, THAT THEY KNEW THE
11:36AM 3 UNLAWFUL PURPOSE OF THE AGREEMENT, AND THAT THEY JOINED IN IT
11:36AM 4 TO FURTHER IT. SO YOU FIRST HAVE TO FIND: WAS THERE ANY TYPE
11:36AM 5 OF AGREEMENT? WHAT WAS THE ASSOCIATION OF THESE FOLKS? WHAT
11:36AM 6 WERE THEY DOING TOGETHER? SO I WANT YOU TO LOOK AT THAT FIRST.

11:36AM 7 NOW, IF YOU BELIEVE THE GOVERNMENT'S CASE--AND I'M
11:36AM 8 JUST STARTING WITH THAT PREMISE, IF YOU BELIEVE THAT, BUT I
11:36AM 9 THINK WHEN YOU LOOK AT THE EVIDENCE IT'S GONNA FALL APART--
11:36AM 10 THAT EVERY TIME THEY DID A TRANSACTION WITH MR. PERALES, IT
11:36AM 11 WAS SEPARATE AND FINITE.

11:36AM 12 AND THE REASON WHY I SAY THAT IS, YOU'VE HEARD THE
11:37AM 13 TERM "DRUGS WERE FRONTED." YOU'VE HEARD THAT OVER AND OVER AND
11:37AM 14 OVER AGAIN. WHY IS THAT IMPORTANT? WHY DID THEY EMPHASIZE
11:37AM 15 THAT? BECAUSE WHEN YOU FRONT DRUGS TO SOMEBODY, YOU GIVE IT TO
11:37AM 16 THEM ON CONSIGNMENT. YOU'VE HEARD THAT WORD. AND YOU GIVE IT
11:37AM 17 TO SOMEBODY ON CONSIGNMENT WITH THE EXPECTATION THAT THEY'RE
11:37AM 18 GONNA GO DO SOMETHING WITH IT SO THEY CAN PAY IT. SO YOU
11:37AM 19 EXPECT THEM--"YOU NEED TO GO SELL THEM SO YOU CAN PAY ME FOR
11:37AM 20 THE DRUGS THAT I GAVE YOU." SO THAT'S WHEN AN AGREEMENT IS
11:37AM 21 FORMED TO POSSESS WITH THE INTENT TO DISTRIBUTE. BECAUSE I'M
11:37AM 22 GIVING YOU DRUGS, I'M EXPECTING YOU TO GO SELL IT AND BRING ME
11:37AM 23 THE MONEY BACK. AND THAT'S WHY FRONTING--AND YOU'VE HEARD THAT
11:37AM 24 OVER AND OVER AND OVER AGAIN--WHY IT'S SO IMPORTANT.

11:37AM 25 BUT YOU DIDN'T HEAR THAT WHEN IT RELATED TO

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1713

11:37AM 1 MR. PERALES. HE NEVER SAID HE FRONTED DRUGS TO ANYBODY. HE
11:37AM 2 NEVER SAID HE EXPECTED ANYBODY TO COME BACK AND PICK UP MONEY.
11:37AM 3 HE NEVER TALKED ABOUT THAT. AND I THINK THAT'S IMPORTANT WHEN
11:37AM 4 YOU LOOK AT WHETHER OR NOT THERE'S AN AGREEMENT WHEN MR. PERALES
11:37AM 5 WOULD SELL DRUGS TO SOMEBODY. BECAUSE ONCE HE SOLD THEM TO
11:38AM 6 THEM, THAT TRANSACTION WAS COMPLETE. THERE WAS NO EXPECTATION
11:38AM 7 OF WHAT THEY WERE GONNA DO AFTERWARDS. HE HAD NO INTEREST IN
11:38AM 8 WHAT THEY WERE GONNA DO AFTERWARDS. AND THERE'S BEEN SOME
11:38AM 9 TESTIMONY THAT HE KNEW THEY WERE GOING TO DENISON AND SHERMAN.
11:38AM 10 I DON'T THINK THAT'S IN THE RECORD. I DON'T THINK HE EVER SAID
11:38AM 11 THAT. BUT I THINK YOU NEED TO LOOK AT THAT. WAS THERE EVER AN
11:38AM 12 AGREEMENT? AND I THINK THE GOVERNMENT, WHAT THEY WANT TO TRY
11:38AM 13 TO DO IS, THERE WAS THIS OVERALL AGREEMENT TO DISTRIBUTE DRUGS
11:38AM 14 IN THE SHERMAN-DENISON AREA. BUT LOOK AT THE EVIDENCE THAT YOU
11:38AM 15 HAVE. THERE'S NO EXPECTATION THAT IF BOWEN GOT DRUGS FROM HIM
11:38AM 16 THAT HE WOULD RETURN WITH A PROFIT. HE HAD NO KNOWLEDGE OF
11:38AM 17 WHAT HE WAS GONNA DO WITH THEM AFTERWARDS. SO IS THERE ANY
11:38AM 18 AGREEMENT THAT THERE'S A CONSPIRACY OR A JOINT AGREEMENT TO
11:38AM 19 DISTRIBUTE NARCOTICS? YOU HAVE TO ASK THAT THRESHOLD QUESTION
11:38AM 20 BEFORE ANYTHING. BECAUSE IF YOU ANSWER THAT QUESTION NO, THEN
11:39AM 21 THERE'S NO CONSPIRACY CHARGE AND THERE'S NO FINDING OF GUILT;
11:39AM 22 YOU HAVE TO FIND HIM NOT GUILTY.

11:39AM 23 AND I THINK ALSO WHEN YOU LOOK AT IT EVERYBODY WAS
11:39AM 24 INDEPENDENT OF EACH OTHER. WHEN YOU KIND OF SEPARATE IT ALL
11:39AM 25 OUT, ESPECIALLY WHEN AFTER MR. HOUSE GETS ARRESTED YOU HAVE

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1714

11:39AM 1 CHRISTINA HOUSE DOING HER OWN THING AND KISHA BOWEN DOING HER
11:39AM 2 OWN THING AND THEN ALL OF A SUDDEN TIM BOWEN POPS UP. THEY SAY
11:39AM 3 TIM IS INVOLVED. AND HE'S KIND OF BEEN DOING HIS OWN THING.
11:39AM 4 AND I THINK THE GOVERNMENT IS GOING TO SAY, "WELL, TIM AND
11:39AM 5 MR. TIBBS POOLED THEIR MONEY TOGETHER. THAT WAS AN AGREEMENT."
11:39AM 6 BUT THINK ABOUT IT. THEY GOT DRUGS AND SUPPOSEDLY THEY WENT
11:39AM 7 THEIR OWN SEPARATE WAYS. THERE'S NO INTENT TO FURTHER ANYTHING
11:39AM 8 AFTER THAT TRANSACTION. SO I'D ASK YOU TO LOOK AT THEM FROM A
11:39AM 9 POINT OF: WERE THEY DISCRETE? WERE THEY FINITE? WAS THERE AN
11:39AM 10 EXPECTATION OF RETURN OF MONEY?

11:40AM 11 THERE'S EVEN IN THE CHARGE THAT THERE DOESN'T
11:40AM 12 HAVE TO BE A FINANCIAL GAIN. BUT LET'S BE HONEST. THEY'RE
11:40AM 13 OBVIOUSLY HERE TO MAKE MONEY. AND THERE'S NO EXPECTATION
11:40AM 14 OF THAT. THERE'S NO TRANSFER OF MONEY OR PROFIT BACK TO
11:40AM 15 MR. PERALES BETWEEN MR. BOWEN AND MR. TIBBS OR BETWEEN ANYBODY
11:40AM 16 ELSE. THEY'RE ALL DOING THEIR OWN THING. SO YOU HAVE THIS
11:40AM 17 GROUP HERE AND THIS GROUP HERE, AND THEN YOU HAVE BOBBY JAMES
11:40AM 18 GOING TO CAMACHO HIMSELF, AND YOU HAVE ALL THESE DIFFERENT
11:40AM 19 GROUPS JUST KIND OF DOING THEIR OWN THING. BUT THEN THE
11:40AM 20 GOVERNMENT WANTS TO SAY, "WELL, TREAT IT AS ONE OVERALL
11:40AM 21 CONSPIRACY, BECAUSE THEY ALL DELIVER DRUGS TO SHERMAN-DENISON."
11:40AM 22 THEY'VE PROVEN TO YOU A BUNCH OF DIFFERENT ACTIVITY. THEY
11:40AM 23 HAVEN'T PROVEN TO YOU AN OVERARCHING CONSPIRACY. AND I THINK
11:40AM 24 WHEN YOU LOOK AT THAT AND FILTER THAT THROUGH, IT LEADS TO
11:40AM 25 THEY'RE NOT GUILTY. OKAY?

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1715

11:40AM 1 SO THEN YOU HAVE TO SAY TO YOURSELF, "OKAY, WHAT
11:40AM 2 EVIDENCE DO THEY HAVE?" WHAT EVIDENCE DID THEY BRING YOU? AND
11:40AM 3 I HAVE TO SAY THAT IT'S KIND OF--I'LL SAY IT'S OFFENSIVE TO
11:41AM 4 ME FOR THE GOVERNMENT TO SAY THAT WE'RE GONNA GIVE YOU RABBIT
11:41AM 5 TRAILS OR THINGS YOU ARE NOT TO FOCUS ON OR BRING UP CERTAIN
11:41AM 6 THINGS, DON'T FOCUS ON WHETHER OR NOT THEY'RE TELLING THE TRUTH
11:41AM 7 AND WHETHER OR NOT THEY HAD A MOTIVE TO TESTIFY A CERTAIN WAY.
11:41AM 8 THOSE ARE NOT RABBIT TRAILS. THOSE ARE JOBS THAT YOU HAVE TO
11:41AM 9 DO AS JURORS TO DECIDE WHETHER OR NOT YOU'RE GONNA BELIEVE
11:41AM 10 THESE PEOPLE.

11:41AM 11 BECAUSE WHEN IT REALLY COMES DOWN, WITH TIM BOWEN,
11:41AM 12 YOU'VE GOT TO BELIEVE THESE PEOPLE. BECAUSE WHAT INVESTIGATION
11:41AM 13 REALLY HAPPENED AS IT RELATES TO TIM BOWEN? YOU HEARD ALL THE
11:41AM 14 TESTIMONY ABOUT ALL THE TOOLS THAT THEY HAVE. AND YOU HAD THE
11:41AM 15 WIRETAPS. REMEMBER, THERE WAS TESTIMONY ABOUT WIRETAPS, THAT
11:41AM 16 THEY'RE VERY EXPENSIVE; "WE DON'T UTILIZE THEM IN EVERY CASE,
11:41AM 17 BECAUSE THEY'RE VERY EXPENSIVE." BUT THEY'RE ASKING YOU TO
11:41AM 18 FIND SOMEBODY GUILTY AND FACE THE PUNISHMENT OF PRISON TIME,
11:42AM 19 BUT THEY'RE GONNA PUT A PRICE ON THAT. IT'S TOO EXPENSIVE TO
11:42AM 20 BRING YOU THE EVIDENCE THAT YOU NEED TO MAKE A DECISION, WHEN
11:42AM 21 THEY HAVE THE RESOURCES TO DO IT.

11:42AM 22 SEARCH WARRANTS. DID THEY GET ANY SEARCH WARRANTS?
11:42AM 23 YOU FINALLY SAW PICTURES OF MR. BOWEN'S HOUSE--SUPPOSED HOUSE
11:42AM 24 THAT THEY TOOK A WEEK BEFORE THE TRIAL. YOU KNOW THEY DIDN'T
11:42AM 25 DO THAT.

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1716

11:42AM 1 DID THEY DO ANY CONTROLLED BUYS? CHRISTINA HOUSE
11:42AM 2 TESTIFIED THAT SHE BECAME A CONFIDENTIAL INFORMANT AND
11:42AM 3 SUPPOSEDLY MENTIONED MR. BOWEN'S NAME TO THEM. WHAT
11:42AM 4 INVESTIGATION DID THEY DO ON THAT INFORMATION?

11:42AM 5 THE GOVERNMENT WILL WANT TO TELL YOU, "WELL, WE USE
11:42AM 6 COOPERATORS TO GET INFORMATION, PEOPLE WHO ARE CONFIDENTIAL
11:42AM 7 INFORMANTS." BUT YOU TAKE THAT INFORMATION AND USE THESE TOOLS
11:42AM 8 TO BRING YOU EVIDENCE.

11:43AM 9 TRASH RUNS. YOU HEARD TESTIMONY ABOUT TRASH RUNS,
11:43AM 10 WHERE WE CAN GO SEARCH THROUGH YOUR TRASH TO FIND EVIDENCE
11:43AM 11 OF NARCOTICS, AND WE CAN GET A SEARCH WARRANT AND SEARCH YOUR
11:43AM 12 HOUSE. THAT'S PRETTY EASY. THAT DOESN'T COST A LOT OF MONEY.
11:43AM 13 DID THEY DO THAT IN THIS CASE AS RELATES TO MR. BOWEN TO TRY
11:43AM 14 TO DETERMINE WHETHER OR NOT THESE PEOPLE ARE TELLING YOU THE
11:43AM 15 TRUTH? NO.

11:43AM 16 ANY TRAFFIC STOPS? NO.

11:43AM 17 CELL PHONE RECORDS. REMEMBER MS. DAVILA SAID, "OH,
11:43AM 18 I HEARD HIM TALKING ON THE PHONE TO MR. PERALES." DID WE GET
11:43AM 19 ANY PHONE RECORDS FROM MR. PERALES? DID WE GET ANY PHONE
11:43AM 20 RECORDS FROM MR. BOWEN? DID WE GET ANY PHONE RECORDS FROM
11:43AM 21 KISHA BOWEN? DID WE GET ANY PHONE RECORDS FROM CHRISTINA
11:43AM 22 HOUSE? DID WE GET ANY PHONE RECORDS FROM TREY TIBBS? NO.
11:43AM 23 EVIDENCE THAT WOULD CORROBORATE WHAT THEY ARE TRYING TO TELL
11:43AM 24 YOU. THEY DIDN'T DO IT. THEY HAVEN'T BROUGHT IT TO YOU.

11:43AM 25 AND THEN SURVEILLANCE. HOW HARD IS IT TO DO

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1717

11:44AM 1 SURVEILLANCE? DRIVE AROUND, SEE IF THEY CAN OBSERVE PEOPLE
11:44AM 2 DOING CERTAIN THINGS. THEY CHOSE NOT TO DO THAT.

11:44AM 3 SO YOU HAVE NO INVESTIGATIVE TOOLS UTILIZED TO
11:44AM 4 BRING YOU A CASE AGAINST TIM BOWEN. THAT SHOULD CAUSE YOU SOME
11:44AM 5 CONCERN. THAT SHOULD CAUSE YOU TO HESITATE. THAT SHOULD CAUSE
11:44AM 6 YOU TO HAVE A REASONABLE DOUBT. WHY NOT? BECAUSE THE DEA GETS
11:44AM 7 INVOLVED IN NOVEMBER OF 2011--I HAVE A TIMELINE FOR YOU. WE'LL
11:44AM 8 GO THROUGH THAT--BUT THEN HE'S INDICTED IN JANUARY OF 2012.
11:44AM 9 WHAT INVESTIGATIONS DID THEY DO?

11:44AM 10 AND THEN WE HEAR FROM MS. DAVILA AND MR. CABRALES
11:44AM 11 THAT THEY GOT INTERVIEWED A WEEK BEFORE THIS TRIAL.

11:44AM 12 SO THEN WE HAD A WHOLE BUNCH OF WITNESSES COME IN.
11:45AM 13 AND THOSE ARE ALL WITNESSES THAT DIDN'T HAVE ANYTHING TO SAY
11:45AM 14 ABOUT MR. BOWEN. SO YOU CAN ELIMINATE ALL THOSE FOLKS. AGENT
11:45AM 15 MATA DIDN'T, DETECTIVE GRISHAM [SIC] DIDN'T, MR. NGUYEN,
11:45AM 16 MR. URBINA, MR. CAMACHO, ANDREA REEVES, MR. JAMES, OFFICER
11:45AM 17 WITHROW, PRISCILLA MARCELENO, CHARLES QUIROLO, RAMIRO CAZARES,
11:45AM 18 OFFICER GRISSOM, OFFICER COVENEY. NOTHING. DIDN'T MENTION HIM
11:45AM 19 ONE TIME.

11:45AM 20 AND THEN YOU HAVE PERALES, HOUSE, TIBBS, DAVILA,
11:45AM 21 CABRALES, HOUSE AND BOWEN. AND WHAT IS THEIR MOTIVE FOR
11:45AM 22 TESTIFYING?

11:45AM 23 MR. PERALES, OBVIOUSLY, HE WANTS TO REDUCE HIS TIME.
11:45AM 24 MR. HOUSE, MR. TIBBS.

11:45AM 25 AND THEN LOOK WHEN WE GET TO MS. DAVILA, CABRALES,

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1718

11:45AM 1 CHRISTINA HOUSE AND KISHA BOWEN. THEY'VE GOT PROBLEMS. THEY
11:46AM 2 DON'T WANT TO GET CHARGED. PRETTY BIG INCENTIVE. BUT LET'S
11:46AM 3 GO THROUGH THEIR TESTIMONY AND TALK ABOUT WHAT THEY TOLD YOU.

11:46AM 4 FIRST OF ALL, YOU HAVE MR. PERALES. AND I THINK THE
11:46AM 5 GOVERNMENT PUT UP ON THEIR SLIDE THAT HE STARTED DEALING WITH
11:46AM 6 KENNETH HOUSE IN 2011. THAT'S ON THEIR SLIDE, THAT'S WHAT HE
11:46AM 7 TESTIFIED TO. WELL, I THINK IT'S CLEAR FROM THE TESTIMONY THAT
11:46AM 8 YOU RECEIVED THAT MR. HOUSE WAS ARRESTED IN NOVEMBER OF 2010.
11:46AM 9 HE GOT OUT FOR A WEEK, HE GOT A PAROLE VIOLATION, AND WENT BACK
11:46AM 10 IN. SO WHEN MR. PERALES COMES IN AND SAYS, "WELL, I STARTED
11:46AM 11 DEALING WITH HIM IN 2011," THAT'S NOT POSSIBLE. HE WASN'T OUT
11:46AM 12 IN 2011.

11:46AM 13 AND THE OTHER THING, TOO, ABOUT HIM IS, HE TALKS
11:46AM 14 ABOUT HIS MEMORY IS BAD. "I HAVE A BAD MEMORY." AND WHEN YOU
11:47AM 15 ARE ASKED THOSE QUESTIONS IN THE JURY INSTRUCTIONS ABOUT WHAT
11:47AM 16 YOU SHOULD LOOK FOR AND HOW TO EVALUATE A WITNESS'S TESTIMONY,
11:47AM 17 WAS THEIR MEMORY GOOD OR BAD? HE TELLS YOU HIS MEMORY WAS BAD.
11:47AM 18 ONE MINUTE HE SAYS SIX MONTHS, ONE MINUTE HE SAYS TWO MONTHS.
11:47AM 19 DOES HE REALLY KNOW? WHAT DOES HE REALLY CARE ABOUT? HE'S GOT
11:47AM 20 CHILDREN AT HOME THAT HE WANTS TO GET BACK TO AS QUICKLY AS HE
11:47AM 21 CAN.

11:47AM 22 THEN YOU GET TO MR. HOUSE. AND MR. HOUSE COMES IN
11:47AM 23 AND MAKES THIS STATEMENT THAT MR. SALAZAR COMPLAINED TO HIM
11:47AM 24 ABOUT MR. BOWEN, TIM BOWEN--OR THE BOWENS WERE NOT LIVING UP
11:47AM 25 TO THEIR END OF THE DEAL. IT'S KIND OF CONVENIENT, BECAUSE

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1719

11:47AM 1 UP TO THAT POINT THERE'S NO CONNECTION BETWEEN TIM BOWEN AND
11:47AM 2 MR. SALAZAR. OKAY?

11:47AM 3 AND IT'S NOT POSSIBLE FOR THAT TO HAPPEN, BECAUSE
11:48AM 4 IF YOU LOOK AT THE TIMELINE--WE'LL JUST GO TO THE TIMELINE.
11:48AM 5 BECAUSE YOU HAVE KENNETH HOUSE IN JAIL IN NOVEMBER OF 2010.
11:48AM 6 I DON'T THINK ANYBODY DISPUTES THAT.

11:48AM 7 THEN PERALES TESTIFIES HE STARTED DEALING WITH
11:48AM 8 KENNETH HOUSE IN JANUARY OF 2011. WE KNOW CHRISTINA HOUSE GOES
11:48AM 9 TO JAIL IN MARCH 2011. THEN HE GETS OUT OF JAIL IN MARCH--OR
11:48AM 10 MAY OF 2011, AND THEN HE TESTIFIES--I'M ASSUMING IT'S IN THIS
11:48AM 11 TIME FRAME. HE DOESN'T REALLY SAY WHEN IT HAPPENED. BUT HE
11:48AM 12 SAYS THAT SALAZAR MENTIONED TIM BOWEN'S NAME, BUT THEN WE
11:48AM 13 KNOW HOUSE GOES BACK TO JAIL IN JULY OF 2011. OKAY? THAT'S
11:48AM 14 SUPPOSEDLY WHEN THAT HAPPENED.

11:48AM 15 AND THEN YOU HAVE TIBBS AND DAVILA. THEY'RE
11:48AM 16 CLAIMING THAT THEY WERE DEALING WITH PERALES IN JUNE OF 2011.
11:48AM 17 KISHA BOWEN CLAIMS SHE HAS TO INTRODUCE BOWEN TO SALAZAR IN
11:49AM 18 AUGUST OF 2011. THAT'S WHAT SHE TESTIFIED TO. SO HOUSE EITHER
11:49AM 19 HAS IT WRONG, BOWEN HAS GOT IT WRONG, OR THEY'VE BOTH GOT IT
11:49AM 20 WRONG. IT'S JUST NOT POSSIBLE. BECAUSE WE KNOW SALAZAR GOES
11:49AM 21 TO JAIL IN 2011. OKAY? SO WHEN YOU GET TO THAT STATEMENT,
11:49AM 22 THAT'S THE STATEMENT THEY'RE RELYING ON THAT MR. BOWEN IS TIED
11:49AM 23 IN WITH MR. SALAZAR. IT'S JUST NOT POSSIBLE BECAUSE YOU HAVE
11:49AM 24 ONE WITNESS TELLING YOU ONE THING, ANOTHER WITNESS IS TELLING
11:49AM 25 YOU ONE THING, AND THEY WANT YOU TO BELIEVE THEM BOTH. YOU

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1720

11:49AM 1 CAN'T HAVE IT BOTH WAYS.

11:49AM 2 AND YOU KNOW ABOUT MR. HOUSE. YOU JUST CAN'T--YOU
11:49AM 3 CAN'T BELIEVE HIM. BECAUSE IF YOU LOOK AT HIS DEMEANOR ON THE
11:49AM 4 VIDEOTAPE OF THE TRAFFIC STOP, HE LIES. HE'S TRYING TO BE COOL
11:50AM 5 AS HE CAN BE, NOT TO GET CAUGHT. BUT WHEN HE'S HERE, WHEN HE
11:50AM 6 GETS CAUGHT, THEN HE'S, LIKE, "OH, I'LL TELL YOU EVERYTHING."

11:50AM 7 HE ALSO SAID IN THAT VIDEO, "I'M NOT GONNA LIE
11:50AM 8 ANYMORE." WELL, HIS WIFE TOLD YOU HE'S A LIAR. HE'LL LIE
11:50AM 9 ABOUT THE BIG THINGS, HE'LL LIE ABOUT THE LITTLE THINGS,
11:50AM 10 AND HE'LL LIE TO YOU IN ORDER TO GET HOME QUICKER.

11:50AM 11 THE OTHER THING, TOO, IS, HE ALSO TOLD YOU HE DIDN'T
11:50AM 12 HAVE ANY PERSONAL KNOWLEDGE ABOUT THAT. HE'S JUST SAYING
11:50AM 13 THAT'S WHAT MR. SALAZAR TOLD HIM. HE HAS NO PERSONAL KNOWLEDGE
11:50AM 14 OF THAT. AND THIS IS COMING FROM A PERSON WHO SELF-ADMITTED
11:50AM 15 TAKING 10 HYDROCODONES PER DAY. I DON'T KNOW ABOUT YOU, BUT
11:50AM 16 HYDROCODONE REALLY CLOUDS YOUR THINKING. AND SO THEY'RE
11:50AM 17 ASKING YOU TO RELY ON HIS DRUG-ADDICTED MEMORY AND ACCEPT
11:51AM 18 THAT STATEMENT AT FACE VALUE.

11:51AM 19 AND THEN YOU LOOK AT HIS CRIMINAL HISTORY. IT'S NOT
11:51AM 20 HIS FIRST RODEO. HE KNOWS WHAT HE NEEDS TO DO TO HELP HIMSELF.
11:51AM 21 AND HE TALKS ABOUT HOW HE DOESN'T KNOW--HE DOESN'T HAVE A VERY
11:51AM 22 GOOD MEMORY. BUT WHEN THEY ASKED HIM WHEN HE KNEW HE WOULD GET
11:51AM 23 OUT ON PAROLE, FINISH HIS PAROLE, HE KNEW THAT DATE WITHOUT
11:51AM 24 A DOUBT. SO IF IT MATTERS TO HIM, ESPECIALLY ABOUT WHETHER
11:51AM 25 HE'S GONNA BE IN JAIL OR OUT OF JAIL, HE'S GONNA HELP HIMSELF.

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1721

11:51AM 1 WHEN YOU LOOK AT HIS MOTIVE, YOU LOOK AT HIS DRUG USE, IS
11:51AM 2 THAT SOMEBODY YOU ARE WILLING TO RELY AND ACT UPON WITHOUT
11:51AM 3 HESITATION? THAT'S A REASONABLE DOUBT.

11:51AM 4 THEN YOUR NEXT PERSON IS TREY TIBBS. OBVIOUSLY, HE
11:51AM 5 HAS A PLEA AGREEMENT. LET'S TALK ABOUT THESE PLEA AGREEMENTS
11:51AM 6 HERE JUST A LITTLE BIT. HE SAYS UNBEKNOWNST TO HIM MR. BOWEN
11:51AM 7 IS GETTING HIS DRUGS FROM SOMEONE ELSE. THEY DIDN'T KNOW THEY
11:52AM 8 WERE GETTING DRUGS FROM THE SAME PERSON, IS WHAT HIS TESTIMONY
11:52AM 9 IS. WELL, IF YOU BELIEVE THAT, THAT GOES BACK TO THE FIRST
11:52AM 10 POINT OF: THERE'S NO AGREEMENT. THEY'RE ALL DOING THEIR OWN
11:52AM 11 THING. THEY'RE NOT WORKING TOGETHER. THEY'RE NOT SHARING
11:52AM 12 PROFITS.

11:52AM 13 BUT HIS TIME FRAMES ARE ALL WRONG, BECAUSE HE SAYS
11:52AM 14 IT STARTED IN JUNE OF 2011. BUT WHEN WE GO FORWARD, KISHA
11:52AM 15 BOWEN AND CHRISTINA HOUSE CLAIMED MR. BOWEN DIDN'T KNOW
11:52AM 16 MR. PERALES, WASN'T INTRODUCED TO HIM UNTIL SEPTEMBER OF 2011.
11:52AM 17 SO DO YOU BELIEVE TIBBS AND DAVILA OR DO YOU BELIEVE CHRISTINA
11:52AM 18 HOUSE AND KISHA BOWEN? YOU CAN'T BELIEVE EITHER ONE OF THEM.
11:52AM 19 THEY BOTH CAN'T BE RIGHT. REASONABLE DOUBT.

11:52AM 20 AND ALSO TREY TIBBS. HE WAS USING TWO GRAMS A DAY
11:53AM 21 OF METHAMPHETAMINE. AND THEY'RE ASKING FOR YOU TO RELY ON HIS
11:53AM 22 MEMORY AND HIS TESTIMONY WHEN IT'S BEEN AFFECTED BY HIS USE OF
11:53AM 23 METHAMPHETAMINE.

11:53AM 24 AND HE ALSO WILL CHEAT PEOPLE. REMEMBER HE TOLD YOU
11:53AM 25 HE WAS SHORTING THE BAGS? HE'S TAKING WHAT HE NEEDS, SELLING

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1722

11:53AM 1 IT TO PEOPLE, REPRESENTING THAT IT'S SOMETHING ELSE. SO IT WAS
11:53AM 2 EASY FOR HIM TO COME IN HERE AND REPRESENT SOMETHING ELSE TO
11:53AM 3 YOU TO HELP HIM.

11:53AM 4 AND THEN YOU GET TO MARIE DAVILA. SHE CLAIMS THIS
11:53AM 5 IN JUNE, JULY.

11:53AM 6 THEN YOU GET TO KISHA BOWEN'S TESTIMONY. IT HAPPENS
11:53AM 7 IN SEPTEMBER 2011. THE INCONSISTENCY. SHE DOESN'T GET
11:53AM 8 INTERVIEWED TILL LAST WEEK. SHE'S A CONVICTED FELON. SHE USES
11:53AM 9 METH ON A REGULAR BASIS. AND WE'RE ASKED TO RELY ON HER MEMORY
11:54AM 10 WHEN SHE'S A SELF-ADMITTED METHAMPHETAMINE ADDICT. AND THE
11:54AM 11 BIGGEST THING IS, SHE'S NOT BEING CHARGED.

11:54AM 12 CAN YOU IMAGINE GETTING A PHONE CALL A WEEK AGO FROM
11:54AM 13 THE FEDERAL GOVERNMENT, AGENTS FROM FEDERAL LAW ENFORCEMENT,
11:54AM 14 SAYING, "WE WANT TO TALK TO YOU ABOUT THIS. WE JUST WANT YOU
11:54AM 15 TO TELL US THE TRUTH. IF YOU TELL US THE TRUTH, WE'RE NOT
11:54AM 16 GONNA CHARGE YOU"? THINK ABOUT HOW SHE MIGHT FEEL. SCARED.
11:54AM 17 CONCERNED. "I DON'T WANT TO GO TO JAIL. WHAT DO YOU NEED TO
11:54AM 18 KNOW?"

11:54AM 19 THEN YOU HAVE CARLOS CABRALES, ANOTHER PERSON USING
11:54AM 20 METHAMPHETAMINE. THEY ONLY SPOKE TO HIM LAST WEEK. AND THEN
11:54AM 21 THEY'RE TELLING HIM HE'S NOT GONNA BE CHARGED EITHER.

11:54AM 22 THEN YOU HAVE CHRISTINA HOUSE. YOU LOOK AT HER.
11:54AM 23 CONVICTED FELON, THEFT, METHAMPHETAMINE USER. SHE'S A CI,
11:55AM 24 AND SHE'S TRYING TO WORK OFF THESE CASES, PROVIDING STUFF--SHE
11:55AM 25 SAYS SHE PROVIDED INFORMATION TO THE GOVERNMENT THAT THEY NEVER

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1723

11:55AM 1 FOLLOWED UP ON. SHE LIED TO HER HUSBAND. SHE DIDN'T TELL HIM
11:55AM 2 THAT SHE WAS DEALING METHAMPHETAMINE. "HE WOULD HAVE KILLED ME
11:55AM 3 IF HE FOUND OUT." SO SHE HID THAT FROM HIM. SHE'S CAPABLE OF
11:55AM 4 DOING THAT. AND THEN SHE TALKS ABOUT THIS INTRODUCTION IN
11:55AM 5 SEPTEMBER OF 2011. SO SHE'S CONTRADICTING THEIR OWN WITNESSES.

11:55AM 6 AND THEN YOU HAVE KISHA BOWEN. SHE SAID SHE
11:55AM 7 INTRODUCED TIM TO SALAZAR. IS THAT REALLY BELIEVABLE? THINK
11:55AM 8 ABOUT IT. MR. SALAZAR IS GOING TO JAIL IN AUGUST 2011. SHE
11:55AM 9 SAYS SHE INTRODUCED HIM. IT HAD TO BE AUGUST OF 2011. ANDREA
11:55AM 10 REEVES WAS THERE.

11:55AM 11 AND ANDREA REEVES TESTIFIED THAT SHE WAS AWARE OF
11:56AM 12 EVERYBODY THAT CAME IN THAT HOUSE AND KNEW WHAT WAS GOING ON.
11:56AM 13 DID SHE ONCE AT ALL EVER TESTIFY SHE KNEW THAT MAN? ESPECIALLY
11:56AM 14 IN LIGHT OF THE FACT THAT THEN SHE CLAIMED SHE STARTED SELLING
11:56AM 15 METHAMPHETAMINE AFTER MR. SALAZAR WENT TO JAIL. "OH, WELL,
11:56AM 16 THEN I HAVE ANOTHER SOURCE." IT WOULD BE TIM BOWEN. DID SHE
11:56AM 17 TALK ABOUT ANY OF THAT? DID SHE SAY SHE WAS PRESENT FOR ANY OF
11:56AM 18 THAT MEETING? NO.

11:56AM 19 KISHA BOWEN IS SCARED. SHE HAS TWO YOUNG KIDS AT
11:56AM 20 HOME. HER HUSBAND IS GETTING READY TO GO TO PRISON FOR A LONG
11:56AM 21 TIME. SHE'S BEING PROMISED, "YOU WON'T GET CHARGED IF YOU
11:56AM 22 TELL US WHAT WE WANT TO KNOW." AND WHEN YOU LOOK AT HER, SHE'S
11:56AM 23 DEALING METHAMPHETAMINE ON HER OWN TERMS, DOING HER OWN THING.
11:56AM 24 SHE'S NO DIFFERENT THAN A LOT OF THESE OTHER PEOPLE WHO
11:56AM 25 TESTIFIED, BUT SHE'S GETTING A PASS. THAT MOTIVATES YOU TO

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1724

11:56AM 1 TESTIFY A CERTAIN WAY.

11:56AM 2 SO WHEN YOU LOOK AT THESE WITNESSES AND WHAT THEY'VE
11:57AM 3 TESTIFIED TO AND THE INCONSISTENCIES, THEY ALL CAN'T BE RIGHT.
11:57AM 4 YOU KNOW, PEOPLE THAT ARE CONVICTED FELONS, THEY'RE
11:57AM 5 METHAMPHETAMINE USERS, AND THEY HAVE AGREEMENTS WITH
11:57AM 6 THE GOVERNMENT.

11:57AM 7 NOW LET'S TALK ABOUT THESE AGREEMENTS WITH THE
11:57AM 8 GOVERNMENT. NOW, THEY WANT TO BRING UP THAT THEY WENT THROUGH
11:57AM 9 THESE PLEA AGREEMENTS AD NAUSEAM ABOUT HOW IF YOU COMMIT
11:57AM 10 PERJURY YOU'RE GONNA HAVE DIFFERENT CHARGES AND YOUR DEAL
11:57AM 11 IS GONNA BE OFF. "AS LONG AS YOU TELL US THE TRUTH." BUT
11:57AM 12 WHOSE TRUTH ARE THEY TELLING? WHOSE TRUTH IS IT? IS IT THE
11:57AM 13 GOVERNMENT'S TRUTH? ARE THEY REALLY TELLING THEIR TRUTH?
11:57AM 14 BECAUSE WHAT THE GOVERNMENT SAYS, "WE HAVEN'T PROMISED YOU
11:57AM 15 ANYTHING." AND THAT'S TRUE. THAT'S WHAT THE AGREEMENT SAYS,
11:57AM 16 THERE'S NO PROMISE. BUT THEY'VE CREATED THE EXPECTATION.

11:57AM 17 IT'S NO DIFFERENT WHEN YOU HAVE CHILDREN AND YOU
11:57AM 18 SAY, "IF YOU BEHAVE YOURSELF, I MAY TAKE YOU TO GET ICE CREAM."
11:58AM 19 YOU'VE CREATED THE EXPECTATION. AND THE EXPECTATION IS, "IF I
11:58AM 20 COME IN HERE AND PLEASE THE GOVERNMENT, THEY'RE GONNA GIVE ME
11:58AM 21 SOMETHING. AND THAT 'SOMETHING' IS NOT INSIGNIFICANT. THAT
11:58AM 22 'SOMETHING' IS A REDUCTION IN MY SENTENCE." THAT'S IMPORTANT.
11:58AM 23 THAT'S VALUABLE. YOUR FREEDOM, YOUR LIBERTY. YOU VALUE IT.
11:58AM 24 YOU'LL DO WHAT YOU NEED TO DO. AND YOU HEARD SOME OF THOSE
11:58AM 25 WITNESSES SAY, "I'LL DO WHAT I NEED TO DO TO HELP MYSELF.

CLOSING STATEMENT BY DEFENDANT TIMOTHY BOWEN

1725

11:58AM 1 NOBODY WANTS TO BE IN PRISON." SO IT'S THEIR TRUTH.

11:58AM 2 AND I'VE BEEN STRUGGLING TO TRY TO FIND AN ANALOGY
11:58AM 3 TO KIND OF MAKE THIS MAKE SENSE. THIS IS WHAT I CAME UP WITH
11:58AM 4 THIS MORNING: THINK ABOUT WHEN YOU GO TO THE DOCTOR AND THEY
11:58AM 5 PRESCRIBE YOU MEDICATION AND THEY TELL YOU, "YOU NEED TO TAKE
11:58AM 6 THIS, THIS WILL HELP YOU, THIS IS GOOD FOR YOU, YOU NEED IT."
11:58AM 7 AND YOU BELIEVE THAT. BUT YOU LATER FIND OUT THAT THE
11:59AM 8 PHARMACEUTICAL COMPANY HAS SAID TO THEM, "HEY, IF YOU PRESCRIBE
11:59AM 9 SO MUCH MEDICATION, WE'RE GONNA SEND YOU ON A CRUISE." IF YOU
11:59AM 10 KNOW THAT, DOESN'T IT COLOR YOUR ABILITY TO KNOW: ARE THEY
11:59AM 11 TELLING ME MY TRUTH OR ARE THEY TELLING THE WHOLE TRUTH
11:59AM 12 BECAUSE THEY HAVE AN INCENTIVE? CAN I REALLY BELIEVE WHAT THEY
11:59AM 13 TOLD ME NOW, BECAUSE NOW THEY HAVE AN INCENTIVE TO PRESCRIBE
11:59AM 14 THAT MEDICATION. SO THINK ABOUT THAT.

11:59AM 15 AND SO WHEN YOU LOOK AT EVERYTHING THAT YOU HAVE IN
11:59AM 16 THIS CASE, THERE IS NO PHYSICAL EVIDENCE. THEY HAVE ALL THESE
11:59AM 17 DRUGS OVER HERE THAT THEY SEIZED THROUGH SEARCH WARRANTS,
11:59AM 18 SURVEILLANCE, CONSENSUAL PHONE CALLS. NONE OF THAT APPLIES TO
11:59AM 19 MR. BOWEN, BECAUSE THEY DIDN'T UTILIZE THOSE TOOLS THAT THEY
11:59AM 20 SAY THEY HAVE AND COULD HAVE. THEY CHOSE NOT TO. THEY CHOSE
12:00PM 21 NOT TO DO THAT, AND NOW YOU DON'T HAVE IT.

12:00PM 22 SO NOW YOU COME DOWN TO THE WITNESS TESTIMONY,
12:00PM 23 BECAUSE THAT'S REALLY ALL YOU HAVE AS IT RELATES TO MR. BOWEN,
12:00PM 24 IS WITNESS TESTIMONY.

12:00PM 25 WHEN YOU LOOK AT THE DEFINITION OF "BEYOND A

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1726

1 REASONABLE DOUBT," IT IS "A DOUBT BASED ON REASON AND COMMON
2 SENSE AFTER CAREFUL AND IMPARTIAL CONSIDERATION OF ALL THE
3 EVIDENCE IN THE CASE. PROOF BEYOND A REASONABLE DOUBT,
4 THEREFORE, IS PROOF OF SUCH CONVINCING CHARACTER THAT YOU
5 WOULD BE WILLING TO ACT UPON IT WITHOUT HESITATION IN THE MOST
6 IMPORTANT OF YOUR OWN AFFAIRS." WHEN YOU HAVE THIS INSTRUCTION
7 WHEN IT DEALS WITH WITNESSES WHO ARE ADDICTED TO DRUGS AND WHO
8 HAVE RECEIVED PLEA AGREEMENTS, YOU SHOULD KEEP IN MIND THAT
9 SUCH TESTIMONY IS ALWAYS TO BE RECEIVED WITH CAUTION AND
10 WEIGHED WITH GREAT CARE. YOU SHOULD NEVER CONVICT A DEFENDANT
11 UPON THE UNSUPPORTED TESTIMONY OF AN ALLEGED ACCOMPLICE UNLESS
12 YOU BELIEVE THAT TESTIMONY BEYOND A REASONABLE DOUBT. AND A
13 PERSON WHO HAS USED ADDICTIVE DRUGS, YOU SHOULD NEVER CONVICT
14 ANY DEFENDANT UPON THE UNSUPPORTED TESTIMONY OF SUCH A WITNESS
15 UNLESS YOU BELIEVE IT BEYOND A REASONABLE DOUBT. THAT'S THE
16 FILTER THAT YOU HAVE.

17 AND WHEN YOU THINK ABOUT IT, WHEN YOU THINK ABOUT AN
18 IMPORTANT AFFAIR IN YOUR LIFE, WHEN YOU HAVE ALL THE TESTIMONY
19 OF ALL THESE WITNESSES--AND TO USE THE DOCTOR ANALOGY AND YOU
20 ARE TRYING TO DECIDE WHETHER YOU ARE GOING TO HAVE SURGERY OR
21 NOT--AND YOU HAVE FERNANDO PERALES, KENNETH HOUSE, TREY TIBBS,
22 MARIE DAVILA, CHRISTINA HOUSE AND KISHA BOWEN TELLING YOU THEY
23 HAVE BAD MEMORIES, TELLING YOU THEY'VE BEEN ADDICTED TO DRUGS,
24 TELLING YOU THEY HAVE HAD FELONY CONVICTIONS, TELLING YOU THEY
25 HAVE AN EXPECTATION OF GETTING THEIR SENTENCE REDUCED, AND

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1727

12:02PM 1 THEY'RE ALL OVER THE MAP, "I'M NOT SURE," "MAYBE THAT HAPPENED,"
12:02PM 2 "I HAVE A BAD MEMORY," WOULD YOU RELY ON THAT INFORMATION? IF
12:02PM 3 A DOCTOR TOLD YOU IN THAT WAY, WITH ALL THAT INFORMATION, WOULD
12:02PM 4 YOU HESITATE? WOULD YOU ASK YOURSELF--WOULD YOU HAVE THAT
12:02PM 5 HESITATION TO ACT BASED ON THAT TESTIMONY? THAT'S WHAT THE
12:02PM 6 STANDARD IS. AND IT'S A HIGH STANDARD BECAUSE WE'RE TALKING
12:02PM 7 ABOUT PEOPLE'S LIVES. SO THEY CAN BRING IN FIVE PEOPLE, A
12:02PM 8 HUNDRED PEOPLE, THEY ALL CAN SAY THE SAME THING, BUT JUST
12:02PM 9 BECAUSE IT'S QUANTITY, IT'S NOT QUALITY. YOU DON'T HAVE IT.
12:02PM 10 THEY DIDN'T BRING IT TO YOU. YOU NEED TO HOLD THEM TO THEIR
12:03PM 11 STANDARD.

12:03PM 12 AND WHEN YOU DO THAT AND YOU TAKE IT AS SERIOUSLY AS
12:03PM 13 THIS IS AND HOLD THEM TO THAT STANDARD AND FILTER IT THROUGH
12:03PM 14 THESE INSTRUCTIONS, THE ONLY RESULT IS "NOT GUILTY."

12:03PM 15 THANK YOU.

12:03PM 16 THE COURT: ALL RIGHT. THANK YOU, MR. WHALEN.

12:03PM 17 MR. PETRAZIO.

12:03PM 18 CLOSING STATEMENT ON BEHALF OF THE DEFENDANT JUAN CARLOS VEGA

12:03PM 19 MR. PETRAZIO: THANK YOU, YOUR HONOR. MAY IT PLEASE
12:04PM 20 THE COURT.

12:04PM 21 COUNSEL.

12:04PM 22 LADIES AND GENTLEMEN OF THE JURY: REACH, ROW, THROW
12:04PM 23 AND GO. 29 YEARS AGO, I LEARNED THAT WHILE EARNING MY LIFE-
12:04PM 24 SAVING MERIT BADGE AT BOY SCOUT CAMP AT HIGH POINT STATE PARK
12:04PM 25 IN NEW JERSEY. I LEARNED THAT IT'S AN ACTION PLAN ON WHAT TO

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1728

12:04PM 1 DO WHEN YOU SEE SOMEONE THAT'S DROWNING IN THE WATER.

12:04PM 2 THE FIRST THING YOU ARE SUPPOSED TO DO IS, YOU ARE
12:04PM 3 SUPPOSED TO REACH FOR SOMETHING. IF YOU HAVE A POLE OR A
12:04PM 4 STICK--AT SWIMMING POOLS SOMETIMES YOU SEE A BIG POLE WITH A
12:04PM 5 HOOK ON THE END--YOU REACH FOR SOMEONE.

12:04PM 6 THE SECOND THING YOU DO IS, YOU ROW. IF SOMEONE IS
12:04PM 7 DROWNING IN A LAKE, YOU ROW OUT IN A BOAT AND YOU TRY TO REACH
12:04PM 8 WITH SOMETHING FROM THE BOAT.

12:04PM 9 THE THIRD THING THAT YOU DO IS, YOU TRY TO THROW
12:05PM 10 SOMETHING TO THEM. THROW THEM A ROPE, THROW THEM A LIFE
12:05PM 11 PRESERVER.

12:05PM 12 AND THE LAST RESORT, THE LAST THING YOU SHOULD EVER
12:05PM 13 ATTEMPT TO DO IS TO GO IN THE WATER WITH THAT PERSON. WHY?
12:05PM 14 BECAUSE WHEN SOMEONE IS DROWNING, THEY WILL DO WHATEVER IT
12:05PM 15 TAKES TO SURVIVE. AND SOMETIMES--SOMETIMES THAT MEANS THEY
12:05PM 16 TAKE YOU DOWN WITH THEM. WHETHER THEY DO IT INTENTIONALLY OR
12:05PM 17 UNINTENTIONALLY IS NOT IMPORTANT. THE RISK THAT YOU ASSUME
12:05PM 18 WHEN YOU GET IN THE WATER WITH THEM IS THAT THEY MAY TAKE YOU
12:05PM 19 DOWN.

12:05PM 20 WHY DO I BRING THAT UP? I BRING THAT UP BECAUSE IN
12:05PM 21 THIS CASE YOU'VE SEEN IT. YOU'VE SEEN IT ON THE WITNESS STAND.
12:05PM 22 RAMIRO CAZARES. HE IS A DROWNING MAN. RAMIRO TESTIFIED IN
12:06PM 23 THIS CASE. HE TESTIFIED THAT BECAUSE HE'S A WOMANIZER, HE
12:06PM 24 GOT INVOLVED IN THIS CASE. HIS GIRLFRIEND IN MEXICO NEEDED A
12:06PM 25 FAVOR. THIS IS HIS TESTIMONY. HIS GIRLFRIEND NEEDED A FAVOR.

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1729

12:06PM 1 WHY DID SHE NEED A FAVOR? SHE NEEDED A FAVOR BECAUSE HER
12:06PM 2 BROTHER WAS GONNA GET HURT UNLESS SOMEBODY DID A FAVOR FOR HER.
12:06PM 3 AND I ASKED MR. CAZARES IF HE FELT LIKE HE OWED HER SOMETHING.
12:06PM 4 NO. DID HE LOVE HER? NO. DOES THAT MAKE SENSE TO YOU?

12:06PM 5 SHE INSTRUCTED HIM THAT SOMEONE WOULD CALL HIM.

12:06PM 6 MR. CAZARES TESTIFIED THAT SOMEONE DID CALL HIM. AND
12:06PM 7 SUBSEQUENTLY SOMEONE MET HIM AND GAVE HIM A TELEPHONE.

12:07PM 8 THEN HE TESTIFIED THAT HE GOT A CALL FROM A PERSON
12:07PM 9 NAMED PRIMO IN MEXICO. YOU'VE HEARD A LOT ABOUT PRIMO IN THIS
12:07PM 10 CASE. PRIMO IS THE SOURCE OF THE DRUGS FROM MEXICO. AND
12:07PM 11 MR. CAZARES WANTS YOU TO BELIEVE THAT HE'S GONNA DO FIVE FAVORS
12:07PM 12 FOR THIS PERSON IN MEXICO FOR FREE.

12:07PM 13 I ASKED HIM, "DID YOU GET PAID?"

12:07PM 14 "WE WEREN'T GONNA GET PAID UNTIL WE STARTED COOKING
12:07PM 15 THE METH."

12:07PM 16 THERE'S A LOT ABOUT THAT THAT DOESN'T MAKE A WHOLE
12:07PM 17 LOT OF SENSE. HE TESTIFIED--MR. CAZARES TESTIFIED THAT THE
12:07PM 18 FIRST TIME HE WENT AND GOT SOME MONEY AND THAT THE SECOND TIME
12:07PM 19 HE WENT AND GOT SOME MONEY, THAT HE DID THAT ALONE.

12:07PM 20 THEN HE TESTIFIED THAT HE WENT AND PICKED UP DRUGS.
12:08PM 21 AND HE WENT ALONE.

12:08PM 22 AND THEN HE TESTIFIED THAT HE GOT A CALL FROM THE
12:08PM 23 PERSON HE DELIVERED THOSE DRUGS TO, THE FOUR OUNCES. SOMETHING
12:08PM 24 WAS WRONG WITH IT. THEY WERE MAD.

12:08PM 25 AND HE WENT AND PICKED UP THOSE DRUGS ALONE.

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1730

12:08PM 1 AND IF YOU RECALL, ON DIRECT EXAMINATION,
12:08PM 2 MR. GONZALEZ CHANGED ALL OF A SUDDEN THE DIRECTION OF THAT
12:08PM 3 TESTIMONY. HE SAID, "LET'S TALK ABOUT JUAN VEGA." SO NOW, ALL
12:08PM 4 OF A SUDDEN, ON THE LAST DEAL, MR. CAZARES TESTIFIES THAT HE
12:08PM 5 GETS A PHONE CALL WHILE HE'S AT WORK. THE MAN HAS A JOB,
12:08PM 6 THE MAN HAS A BUSINESS. YOU DIDN'T HEAR ANY TESTIMONY FROM
12:08PM 7 MR. CAZARES AS TO WHY ALL OF A SUDDEN NOW HE'S CHANGED THE
12:08PM 8 DIRECTION OF HIS LIFE AND HE'S GETTING INVOLVED IN DRUG
12:09PM 9 TRAFFICKING.

12:09PM 10 THE MAN HAS HAD A BUSINESS FOR YEARS. HE REMODELS
12:09PM 11 BUILDINGS ALL OVER THE COUNTRY, HE TESTIFIED. AND HE TESTIFIED
12:09PM 12 THAT JUAN CARLOS VEGA IS ONE OF HIS WORKERS. HE'S A CARPENTER,
12:09PM 13 HE LAYS TILE, HE DOES SHEETROCK. HE'S A GOOD WORKER, HE
12:09PM 14 TESTIFIED TO. WHY NOW ARE WE SUPPOSED TO BELIEVE THAT
12:09PM 15 MR. CAZARES IS GOING TO GET DRUGS, BUT THIS TIME--THIS TIME--
12:09PM 16 AFTER SIX OR SEVEN TIMES OF GOING ALONE, THIS TIME, AND THE
12:09PM 17 LAST TIME, HE HAS TO TAKE JUAN CARLOS VEGA WITH HIM. WHY?
12:09PM 18 I'LL TELL YOU WHY. BECAUSE MR. CAZARES IS A DROWNING MAN.

12:09PM 19 YOU'VE HEARD A LOT ABOUT THE LACK OF EVIDENCE IN
12:09PM 20 THIS CASE. MR. WHALEN JUST TOLD YOU THE LACK OF THINGS THAT
12:10PM 21 ARE AVAILABLE TO THE GOVERNMENT THAT THEY COULD HAVE HAD DONE
12:10PM 22 TO BRING YOU EVIDENCE. LADIES AND GENTLEMEN, THE JOB OF LAW
12:10PM 23 ENFORCEMENT, THE JOB OF DEA, THE JOB OF THE UNITED STATES
12:10PM 24 GOVERNMENT IS TO PRESERVE AND PROTECT AS MUCH EVIDENCE OF
12:10PM 25 CRIMINAL ACTIVITY AS THEY CAN IN ORDER TO PRESENT IT TO YOU IN

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1731

12:10PM 1 THE EVENT A CASE GOES TO TRIAL. THEY KNOW THAT.

12:10PM 2 HOW DIFFICULT WOULD IT HAVE BEEN TO PRESERVE THE

12:10PM 3 TESTIMONY--THE PURPORTED TESTIMONY OF NOT ONLY MR. CAZARES WHEN

12:10PM 4 HE GETS ARRESTED BUT ALSO OF MR. JUAN CARLOS VEGA WHEN HE GETS

12:10PM 5 ARRESTED? BECAUSE WHAT DO WE KNOW? WE KNOW THIS: THAT ON

12:10PM 6 APRIL 9TH MR. CAZARES GETS ARRESTED BY MR. MATA. WE DON'T

12:10PM 7 KNOW WHAT ALL THEY TALKED ABOUT, BECAUSE THERE IS NO RECORDED

12:10PM 8 CONVERSATION OF HOW THAT CONVERSATION WENT. COULD IT HAVE BEEN

12:11PM 9 RECORDED? YOU BET IT COULD HAVE. AND HOW DO I KNOW THAT?

12:11PM 10 BECAUSE THAT SAME DAY MR. MATA RECORDS A CONSENSUAL PHONE CALL

12:11PM 11 BETWEEN MR. CAZARES AND JUAN CARLOS VEGA. HE HAD A RECORDING

12:11PM 12 DEVICE. WHAT'S NOT ON THAT RECORDING? WHAT'S NOT ON THAT

12:11PM 13 RECORDING IS THE CONVERSATION THAT MUST HAVE OCCURRED BETWEEN

12:11PM 14 MR. MATA AND MR. CAZARES BEFORE HE PLACED THE CALL. WHY DID HE

12:11PM 15 MAKE THE CALL? WHAT WE DON'T KNOW IS, HOW DID THAT CONVERSATION

12:11PM 16 GO? I CAN TELL YOU KIND OF HOW IT WENT. YOU SAW THE ONE VIDEO

12:11PM 17 RECORDING THAT WE HAD IN THIS CASE OF AN ARRESTEE, SOMEONE

12:11PM 18 GETTING ARRESTED, AND THAT INTERACTION BETWEEN LAW ENFORCEMENT

12:11PM 19 AND THAT ARRESTEE IN THE ARREST OF KENNETH HOUSE. WHAT DID

12:12PM 20 YOU SEE? YOU SAW SOMEBODY ACTING COOL AND COLLECTIVE UNTIL

12:12PM 21 THE POINT WHERE THEY HANDCUFFED HIM. AND THEN HE FLIPPED. NOW

12:12PM 22 HE'S A DIFFERENT PERSON. "I'VE GOT NAMES, I'VE GOT SUPPLIERS.

12:12PM 23 WHAT DO YOU NEED?" HE IMMEDIATELY BEGINS DOING WHAT A DROWNING

12:12PM 24 MAN DOES. IT'S ALL ABOUT SELF-PRESERVATION.

12:12PM 25 THE PROBLEM FOR MR. CAZARES IS THAT ON APRIL 9TH,

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1732

12:12PM 1 2012, EVERYONE IN THIS CASE EXCEPT FOR SHISHANA AVINA, BLANCA
12:12PM 2 CAZARES AND JUAN CARLOS VEGA HAS BEEN ARRESTED. HE CAN'T GIVE
12:12PM 3 THEM ANYONE ELSE. WHO CAN HE GIVE THEM? "JUAN CARLOS VEGA, MY
12:13PM 4 EMPLOYEE. I'LL GIVE YOU HIM."

12:13PM 5 WE LISTENED TO A PHONE CALL THAT THE GOVERNMENT PUT
12:13PM 6 IN EVIDENCE, A PHONE CALL THAT ADMITTEDLY JUAN CARLOS VEGA WAS
12:13PM 7 NOT AWARE WAS BEING RECORDED. THE LAW IN THIS STATE DOES NOT
12:13PM 8 REQUIRE THAT BOTH PARTIES TO A CONVERSATION BE MADE AWARE THAT
12:13PM 9 THAT CONVERSATION IS BEING RECORDED. THE GOVERNMENT KNOWS
12:13PM 10 THAT. AND THAT'S WHY THERE'S NOTHING THAT PREVENTS AGENT MATA
12:13PM 11 FROM HITTING THE RECORDER WHEN HE ARRESTED MR. CAZARES AND
12:13PM 12 RECORDING EVERYTHING THAT'S BEING SAID.

12:13PM 13 I SUSPECT THERE'S GOOD REASON THAT THEY DON'T DO
12:13PM 14 THAT. THERE'S GOOD REASON THAT IT WASN'T DONE WHEN JUAN CARLOS
12:13PM 15 VEGA WAS ARRESTED. WHY? BECAUSE THEY HAVE A TENDENCY TO LEAD
12:13PM 16 PEOPLE THAT GET ARRESTED INTO WHAT THEY WANT TO HEAR FROM THEM.

12:14PM 17 WHY WOULD AGENT MATA DO THAT? I'LL TELL YOU WHY.
12:14PM 18 HE'S ALREADY ARRESTED MR. CAZARES AND MR. CAZARES HAS ALREADY
12:14PM 19 GIVEN HIM A STORY ABOUT HIS EMPLOYEE JUAN CARLOS VEGA. A STORY
12:14PM 20 ABOUT, "OH, HE WENT WITH ME TO PICK UP MONEY." A STORY ABOUT,
12:14PM 21 "OH, HE WENT WITH ME TO PICK UP DRUGS." OKAY? YOU SAY THAT.
12:14PM 22 "WE NEED TO GET HIM TO SAY THAT." HOW DO YOU DO THAT? HAVE
12:14PM 23 SOME SORT OF PHONE CALL WHERE YOU TRY TO BRING IT UP IN THE
12:14PM 24 CONVERSATION. THEY HAVE A RECORDED PHONE CALL THAT'S REALLY
12:14PM 25 WEIRD. AND IT JUMPS FROM HERE TO THERE WITH NO EXPLANATION.

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1733

12:14PM 1 AND MR. VEGA IS CONFUSED. "ARE YOU ASKING ME TO GO TO THE
12:14PM 2 HOUSE? ARE YOU ASKING ME TO DO THIS?" "NO, NO, NO, NO."
12:14PM 3 HE KEEPS SAYING, "NO." OH, MAN. HOW IS HE GONNA GET OUT
12:14PM 4 OF THERE? HE'S TRYING TO DO HIS EMPLOYER A FAVOR.

12:15PM 5 I HAD AN OPPORTUNITY TO CROSS MR. CAZARES IN THIS
12:15PM 6 COURT AND YOU HEARD IT. AND I ASKED HIM WHY--WHY HE DECEIVED
12:15PM 7 NOT ONLY HIS EX-WIFE, WHO WAS GRACIOUS ENOUGH TO LET HIM STAY
12:15PM 8 AT HER HOUSE AFTER HIS WIFE KICKED HIM OUT FOR HAVING ANOTHER
12:15PM 9 AFFAIR. THE SAME REASON HE TESTIFIED HE GOT DIVORCED FROM HIS
12:15PM 10 FIRST WIFE, FROM BLANCA. HE ABUSED THAT TRUST.

12:15PM 11 HE ABUSED THE TRUST OF SOMEONE NAMED SHISHANA AVINA.
12:15PM 12 AND I ASKED HIM ABOUT THAT. WHO IS SHISHANA AVINA? IT'S HIS
12:15PM 13 SON'S MOTHER-IN-LAW THAT WAS LIVING WITH BLANCA. AND HE ASKED
12:15PM 14 HER TO GO WIRE SOME MONEY. DID YOU HEAR ANYTHING IN THIS CASE
12:16PM 15 ABOUT WIRING MONEY FROM ANY OF THE WITNESSES THAT TOOK THE
12:16PM 16 STAND? NO. BUT MR. CAZARES, "HEY, CAN YOU DO ME A FAVOR AND
12:16PM 17 GO WIRE THIS \$900 TO SOMEBODY IN MEXICO FOR ME, MS. AVINA?"

12:16PM 18 "SURE."

12:16PM 19 DID HE TELL HER WHAT THE MONEY WAS FOR? NO. IS IT
12:16PM 20 COMMON FOR PEOPLE TO WIRE MONEY TO MEXICO? ABSOLUTELY IT'S
12:16PM 21 COMMON. IT HAPPENS EVERY DAY. YOU GO STAND OUTSIDE THE
12:16PM 22 WESTERN UNION ON FRIDAY, ALL DAY LONG PEOPLE ARE DOING IT.
12:16PM 23 THEY'RE WIRING MONEY BACK TO THEIR FAMILIES IN MEXICO, BECAUSE
12:16PM 24 NOT EVERYBODY THAT LIVES HERE BROUGHT THEIR FAMILY WITH THEM.
12:16PM 25 SO SHE DIDN'T SUSPECT ANYTHING WRONG. HE KNEW THAT AND HE TOOK

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1734

12:16PM 1 ADVANTAGE. HE ADMITTED HE DECEIVED HER.

12:16PM 2 I SAID, "WHY DIDN'T YOU DO IT?"

12:16PM 3 "WELL, I HAD BEEN DOING IT TOO MUCH AND I DIDN'T

12:16PM 4 WANT TO BE SUSPECTED OF WIRING TOO MUCH MONEY."

12:16PM 5 "WHERE DID THAT MONEY GO?"

12:16PM 6 "I HAVE NO IDEA."

12:16PM 7 WE DIDN'T HEAR FROM THE GOVERNMENT AS TO WHERE THAT

12:16PM 8 MONEY WAS GOING. WE HAVE NO IDEA. WE'RE SUPPOSED TO GUESS.

12:17PM 9 YOU HAVE LOTS OF EVIDENCE BY WAY OF DRUGS THAT WERE

12:17PM 10 SEIZED FROM BLANCA CAZARES'S HOUSE. A COUPLE OF IMPORTANT

12:17PM 11 THINGS ABOUT THAT AND MR. CAZARES'S TESTIMONY.

12:17PM 12 THE FIRST ONE IS: WHEN ASKED IF BLANCA CAZARES KNEW

12:17PM 13 ABOUT THE DRUGS THAT MR. CAZARES HID IN THAT BEDROOM UPSTAIRS,

12:17PM 14 SHE DOESN'T KNOW ABOUT IT AT ALL.

12:17PM 15 AND I ASKED HIM AGAIN, I ASKED HIM POINT-BLANK,

12:17PM 16 "YOU WANT THIS COURT TO BELIEVE THAT THAT'S THE TRUTH, THAT SHE

12:17PM 17 DIDN'T KNOW?"

12:17PM 18 "HONEST TO GOD, THAT'S THE TRUTH." THAT'S WHAT HE

12:17PM 19 SAID. SHE DIDN'T KNOW ABOUT IT.

12:18PM 20 YET, AGAIN, IN HIS PHONE CALL, THE CONSENSUAL PHONE

12:18PM 21 CALL THAT MR. MATA HAD HIM PLACE TO JUAN CARLOS VEGA, HE SAYS,

12:18PM 22 "MY EX-WIFE FOUND OUT ABOUT THE DRUGS. SHE WANTS ME OUT OF THE

12:18PM 23 HOUSE."

12:18PM 24 WHAT TIME IS HE TELLING THE TRUTH? IS HE TELLING

12:18PM 25 IT ON THE PHONE CALL OR IS HE TELLING IT ON THE STAND?

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1735

12:18PM 1 HE'S ADMITTED IN OPEN COURT THAT HE CARES ABOUT
12:18PM 2 NO ONE BUT HIMSELF. HE IS ABOUT SELF-PRESERVATION. AND
12:18PM 3 UNFORTUNATELY FOR HIM, THE ONLY THING HE COULD OFFER UP IN
12:18PM 4 THIS CASE IS HIS FRIEND JUAN CARLOS VEGA.

12:18PM 5 YOU HEARD TESTIMONY IN THIS CASE ABOUT PRIMO. AND
12:18PM 6 YOU HEARD THAT FROM SEVERAL PEOPLE. AND I'LL ADMIT TO YOU
12:19PM 7 THAT THE GOVERNMENT PROVED UP A PRETTY STRONG CASE AGAINST
12:19PM 8 MR. CAZARES. BECAUSE NOT ONLY DO WE HAVE MICHAEL HOANG
12:19PM 9 TESTIFYING AND ID'G RAMIRO CAZARES IN COURT, ANDY NGUYEN
12:19PM 10 IDENTIFIED HIM AND TESTIFIED AND ID'D HIM IN COURT, MANUEL
12:19PM 11 URBINA TESTIFIED ABOUT RAMIRO CAZARES IN COURT AND ID'D HIM IN
12:19PM 12 COURT. WHY? THE REASON IS, RAMIRO CAZARES WAS A RUNNER FOR
12:19PM 13 PRIMO.

12:19PM 14 YOU HEARD TESTIMONY FROM MANUEL URBINA THAT, YES, HE
12:19PM 15 DELIVERED THAT BLACK HONDA ACCORD TO HIM. TO WHOM? TO RAMIRO
12:19PM 16 CAZARES. WHO WAS WITH RAMIRO CAZARES WHEN HE GOT THE CAR? NO
12:19PM 17 ONE. NO ONE WAS. HE WENT ALONE.

12:19PM 18 YOU HEARD TESTIMONY REGARDING THAT CAR BEING FOUND
12:20PM 19 IN THE PARKING LOT AND MR. VEGA HAVING THE KEYS TO IT. WHY?
12:20PM 20 WHY DID HE HAVE THAT CAR? BECAUSE HIS BOSS AT WORK--AND BY
12:20PM 21 "WORK" I MEAN THE SHEETROCK, THE CARPENTRY, THE CONSTRUCTION
12:20PM 22 BUSINESS--LOANED HIM THAT CAR AND HE DROVE IT TO WORK.

12:20PM 23 WHY DO YOU SUPPOSE HE LOANED HIM THE CAR? BECAUSE
12:20PM 24 HE'S ALL ABOUT TRYING TO GET OTHER PEOPLE INVOLVED WITH THINGS
12:20PM 25 THAT ARE INCRIMINATING AND NOT INCRIMINATING HIMSELF. THE SAME

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1736

12:20PM 1 REASON HE HAD SHISHANA AVINA WIRE THE MONEY, THE SAME REASON HE
12:20PM 2 TOLD AND WE TALKED ABOUT THIS TRIP TO IOWA, HE TOLD SHISHANA
12:20PM 3 AVINA, "HEY, I JUST NEED TO GO UP THERE AND PICK SOMETHING UP
12:21PM 4 FROM MY AUNT." BUT WHAT WE DON'T KNOW AND WHAT HE DIDN'T TELL
12:21PM 5 US WAS, HE WAS MAKING A MONEY RUN AGAIN. WHO DID HE TAKE?
12:21PM 6 SHISHANA AVINA.

12:21PM 7 IF JUAN CARLOS VEGA IS A RUNNER, WHY DIDN'T HE GO?
12:21PM 8 WHY DIDN'T HE GO WITH HIM? BECAUSE HE WASN'T A RUNNER.
12:21PM 9 BECAUSE HE WAS NOT A RUNNER.

12:21PM 10 WHEN DID ALL THIS HAPPEN? LADIES AND GENTLEMEN,
12:21PM 11 THIS CASE GOES BACK TO 2008, AND IT ENDS--AND YOU HAVE THIS
12:21PM 12 IN THE COURT'S INSTRUCTIONS TO YOU--ON APRIL 12TH OF THIS YEAR.
12:21PM 13 ON APRIL THE 9TH, EVERYONE THAT MR. CARLOS--JUAN CARLOS VEGA
12:21PM 14 KNOWS--RAMIRO CAZARES, SHISHANA AVINA, BLANCA CAZARES--THEY ALL
12:21PM 15 GET ARRESTED ON THE SAME DAY. THE SAME DAY. AND THEN NOBODY
12:21PM 16 GETS ARRESTED AFTER THAT.

12:21PM 17 BUT WHAT MR. CAZARES WANTS US TO BELIEVE AND WHAT
12:22PM 18 THE GOVERNMENT WANTS YOU TO BELIEVE IS THAT ON NUMEROUS
12:22PM 19 OCCASIONS--ON NUMEROUS OCCASIONS MR. JUAN CARLOS VEGA PICKED
12:22PM 20 UP MONEY AND PICKED UP DRUGS.

12:22PM 21 WHY IS THERE NO SURVEILLANCE OF THIS? WHAT WE DO
12:22PM 22 KNOW IS THAT RAMIRO CAZARES WAS UNDER SURVEILLANCE FOR SOME
12:22PM 23 PERIOD OF TIME. YOU DON'T GET A WARRANT TO SEARCH A HOUSE
12:22PM 24 IN 24 HOURS. THEY HAD ALREADY WORKED ALL THAT UP. THEY WERE
12:22PM 25 CASING THAT HOUSE. THEY KNEW ALL THE LOCATIONS. THEY KNEW

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1737

12:22PM 1 WHERE MR. CAZARES LIVED WITH HIS CURRENT WIFE, THEY KNEW
12:22PM 2 WHERE HE WAS STAYING WITH HIS EX-WIFE, THEY HAD THE ADDRESS,
12:22PM 3 PROBABLY GOT IT THE DAY OF ARREST OF JUAN CARLOS VEGA'S HOUSE
12:22PM 4 [SIC]. WHY? THERE WASN'T A WARRANT FOR THAT HOUSE. SO THEY
12:22PM 5 MUST HAVE LEARNED OF THAT LOCATION THE DAY HE GOT ARRESTED.
12:22PM 6 BECAUSE IN EVIDENCE THERE'S A CONSENT FORM TO SEARCH THE HOUSE.
12:22PM 7 MR. JUAN CARLOS VEGA GAVE AGENT MATA CONSENT TO SEARCH. WHY?
12:23PM 8 BECAUSE NOTHING WAS THERE. AND HE KNEW NOTHING WAS THERE.
12:23PM 9 SO I ASKED AGENT MATA ON THE STAND, "WELL, DID YOU
12:23PM 10 NOT TAKE PICTURES OF THAT HOUSE?"
12:23PM 11 "NO."
12:23PM 12 "WHY?"
12:23PM 13 "I DIDN'T HAVE A CAMERA."
12:23PM 14 "DID ANYONE HAVE A CAMERA?"
12:23PM 15 THE REASON THEY DIDN'T TAKE ANY PICTURES IS BECAUSE
12:23PM 16 THEY DIDN'T FIND ANYTHING THERE.
12:23PM 17 THEY TOOK PICTURES OF THE CAR. SO HE DID HAVE A
12:23PM 18 CAMERA. SO WHERE DID THAT CAMERA COME FROM? AND I'M SUPPOSING
12:23PM 19 THOSE PICTURES WERE MADE THE SAME DAY WHEN THEY SEARCHED THE
12:23PM 20 CAR, BECAUSE THAT'S WHAT HE TESTIFIED TO. BUT I ASKED HIM
12:23PM 21 WHY HE DIDN'T TAKE PICTURES OF THE HOUSE. "I DIDN'T HAVE A
12:23PM 22 CAMERA." THE UNITED STATES GOVERNMENT?
12:23PM 23 YOU SEE AND YOU HEARD AT THE BEGINNING OF THIS CASE
12:23PM 24 THE NUMBER OF WITNESSES THAT WERE ON THE WITNESS LIST. AND
12:23PM 25 HOW MANY AGENTS TESTIFIED? THREE. HOW MANY TESTIFIED ABOUT

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1738

12:24PM 1 JUAN CARLOS VEGA? ONE.

12:24PM 2 AND HOW DID WE GET THAT INFORMATION? BECAUSE AFTER
12:24PM 3 MR. CAZARES WAS ARRESTED, HE GAVE THEM A STORY. SO THE
12:24PM 4 STATEMENT--AND YOU HAVE AN INSTRUCTION ON A STATEMENT. AND
12:24PM 5 I WANT YOU TO READ THAT AND RE-READ THAT. THE REASON IT'S SO
12:24PM 6 IMPORTANT FOR THE GOVERNMENT TO PRESERVE EVIDENCE IS SO I CAN'T
12:24PM 7 STAND UP HERE AND SAY, "THE REASON THEY DIDN'T RECORD THAT IS
12:24PM 8 BECAUSE AGENT MATA LED HIM INTO GIVING THE ANSWERS THAT HE
12:24PM 9 WANTED." HOW DOES THAT WORK IN SOMETHING LIKE THIS? "WE
12:24PM 10 ARRESTED YOUR FRIEND MR. CAZARES AND HE SAYS YOU ARE INVOLVED."

12:24PM 11 "DO YOU KNOW SOMEBODY NAMED PRIMO?"

12:24PM 12 MR. GONZALEZ: YOUR HONOR, I'M GOING TO OBJECT TO
12:24PM 13 HIM ARGUING FACTS NOT IN EVIDENCE. IT'S PURE SPECULATION ON
12:24PM 14 HIS PART. THOSE FACTS ARE NOT IN EVIDENCE. NO ONE TESTIFIED
12:24PM 15 TO IT.

12:24PM 16 THE COURT: WAIT JUST A MOMENT.

12:25PM 17 YOUR ARGUMENT IS THAT AGENT MATA LED HIM INTO GIVING
12:25PM 18 ANSWERS HE DIDN'T WANT TO GIVE?

12:25PM 19 MR. PETRAZIO: YOUR HONOR, FOR THE SAKE OF
12:25PM 20 ARGUMENT--THIS IS ARGUMENT--HYPOTHETICALLY, I'M GIVING THE
12:25PM 21 JURY A REASON WHY THAT CONVERSATION, PURPORTED STATEMENT
12:25PM 22 AND CONFESSION WAS NOT RECORDED IN ANY FASHION.

12:25PM 23 THE COURT: LADIES AND GENTLEMEN, THIS IS FINAL
12:25PM 24 ARGUMENT. THE LAWYERS CAN CERTAINLY ARGUE THEIR POINT OF VIEW
12:25PM 25 ABOUT THE EVIDENCE. BUT YOU HEARD THE EVIDENCE, AND YOU NEED

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1739

12:25PM 1 TO RELY ON YOUR OWN MEMORY AND NOTES ABOUT WHAT YOU HEARD.

12:25PM 2 GO AHEAD, MR. PETRAZIO.

12:25PM 3 MR. PETRAZIO: SO IT COULD GO SOMETHING LIKE THIS:

12:25PM 4 "DO YOU KNOW WHO PRIMO IS?"

12:25PM 5 "YEAH. MR. CAZARES TOLD ME PRIMO WAS A DRUG

12:25PM 6 SUPPLIER IN MEXICO."

12:25PM 7 SO YOU KNOW PRIMO. SO THEY CAN COME IN AND TESTIFY

12:25PM 8 HE KNEW WHO PRIMO WAS.

12:25PM 9 IF EVERYTHING THAT JUAN CARLOS VEGA TOLD AGENT MATA

12:25PM 10 WAS RELAYED BY MR. CAZARES, MR. CAZARES MAY HAVE TOLD HIM WHERE

12:26PM 11 HE HID THE DRUGS.

12:26PM 12 "SO YOU KNOW WHERE THE DRUGS--"

12:26PM 13 "YEAH, HE TOLD ME HE PUT THEM IN THE CLOSET UP THERE

12:26PM 14 IN THE HOUSE ON BRITON."

12:26PM 15 "OH, SO YOU KNEW WHERE THEY WERE."

12:26PM 16 SO THEY CAN PRESENT TO YOU HE HAD KNOWLEDGE OF WHERE

12:26PM 17 THEY WERE. WHERE DOES ALL THAT KNOWLEDGE COME FROM? IT ALL

12:26PM 18 COMES FROM ONE SOURCE WITH RESPECT TO JUAN CARLOS VEGA. THAT'S

12:26PM 19 RAMIRO CAZARES. ONE SOURCE. AND BECAUSE WE DON'T HAVE A

12:26PM 20 RECORDED STATEMENT OR A WRITTEN CONFESSION OR A STATEMENT FROM

12:26PM 21 MR. VEGA, I DON'T KNOW HOW THEY GOT THAT INFORMATION. AND I

12:26PM 22 DON'T KNOW HOW IT WAS PRESENTED TO MR. VEGA. HE MAY HAVE

12:26PM 23 ADMITTED THAT HE KNEW THAT MR. CAZARES WAS INVOLVED IN DRUG

12:26PM 24 TRAFFICKING. HE SURE DIDN'T KNOW THAT MR. CAZARES HAD

12:26PM 25 IMPLICATED HIM IN GOING WITH HIM TO DO THIS STUFF. IF HE

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1740

12:26PM 1 KNEW THAT, MAYBE HE WOULDN'T HAVE BEEN AS COOPERATIVE. HE
12:26PM 2 WAS TRYING TO PROTECT--EVERYTHING THAT YOU SAW HIM DO, HE WAS
12:27PM 3 TRYING TO PROTECT HIS BOSS. WHY? BECAUSE THAT'S WHAT LOYAL
12:27PM 4 EMPLOYEES DO.

12:27PM 5 MAYBE THEY HAD AN AGREEMENT ABOUT GETTING RID OF A
12:27PM 6 PHONE BECAUSE HE KNEW THAT MR. CAZARES WAS INVOLVED IN DRUG
12:27PM 7 TRAFFICKING. "IF ANYTHING HAPPENS, GET RID OF THE PHONE."
12:27PM 8 MAYBE THAT WAS THE AGREEMENT. OKAY. DOES THAT MEAN THAT
12:27PM 9 MR. JUAN CARLOS VEGA IS INVOLVED IN A CONSPIRACY? NO, IT DOES
12:27PM 10 NOT. LOOK AT THE INSTRUCTIONS THE COURT HAS GIVEN YOU. YOU
12:27PM 11 HAVE THAT INSTRUCTION. YOU ARE INSTRUCTED--AND I'LL POINT OUT
12:27PM 12 THAT IN A ACCOMPLICE/CODEFENDANT PLEA-AGREEMENT PARAGRAPH IT
12:27PM 13 SAYS, "YOU SHOULD KEEP IN MIND THAT SUCH TESTIMONY"--SUCH
12:27PM 14 TESTIMONY AS MR. CAZARES IS ALWAYS TO BE RECEIVED WITH CAUTION
12:27PM 15 AND WEIGHED WITH GREAT CARE. YOU SHOULD NEVER CONVICT A
12:27PM 16 DEFENDANT UPON THE UNSUPPORTED TESTIMONY OF AN ALLEGED
12:27PM 17 ACCOMPLICE UNLESS YOU BELIEVE THAT TESTIMONY BEYOND A
12:27PM 18 REASONABLE DOUBT."

12:27PM 19 WELL, FOLKS, THAT'S WHAT THIS CASE REALLY COMES
12:28PM 20 DOWN TO FOR JUAN CARLOS VEGA. DO YOU BELIEVE THE UNSUPPORTED
12:28PM 21 TESTIMONY OF RAMIRO CAZARES? AND DO YOU BELIEVE THAT ALL THE
12:28PM 22 KNOWLEDGE AND THE STATEMENT THAT PURPORTEDLY WAS GIVEN BY
12:28PM 23 MR. JUAN CARLOS VEGA TO AGENT MATA WAS DONE SO IN A MANNER THAT
12:28PM 24 IT WASN'T DONE IN A LEADING FASHION, WHERE HE DIDN'T SUGGEST
12:28PM 25 THE ANSWERS TO HIM? "DO YOU KNOW WHO PRIMO IS? DO YOU KNOW

CLOSING STATEMENT BY DEFENDANT JUAN CARLOS VEGA

1741

12:28PM 1 WHERE THE DRUGS ARE? DO YOU KNOW THIS? DO YOU KNOW THAT?"
12:28PM 2 WE HAVE NO SURVEILLANCE, WE HAVE NO ONE WHO TOOK THE STAND AND
12:28PM 3 TESTIFIED THAT AT ANY POINT IN TIME JUAN CARLOS VEGA DELIVERED
12:28PM 4 DRUGS TO THEM, PICKED UP MONEY FROM THEM.

12:28PM 5 AND YOU HAVE TESTIMONY FROM MR. CAZARES, AND HIS
12:28PM 6 TESTIMONY ALWAYS GETS FOGGY WHEN HE TALKS ABOUT JUAN CARLOS
12:28PM 7 VEGA. "TWO GIRLS." WHO ARE THOSE TWO GIRLS? WE HEARD FROM
12:29PM 8 A LOT OF GIRLS IN THIS CASE--A LOT OF WOMEN IN THIS CASE THAT
12:29PM 9 WERE RUNNERS. PRISCILLA CAMACHO, PERHAPS, WAS ONE OF THEM.
12:29PM 10 SHE DIDN'T RECOGNIZE OR ID MR. JUAN CARLOS VEGA. AND BELIEVE
12:29PM 11 ME, IF THE GOVERNMENT ASKED HER AND IF SHE KNEW, SHE WOULD
12:29PM 12 HAVE TESTIFIED, "YEAH, THAT'S THE GUY I PICKED IT UP FROM OR
12:29PM 13 DELIVERED IT TO." WE DON'T HAVE ANY OF THAT. WE HAVE ONE
12:29PM 14 PERSON.

12:29PM 15 LOOK AT THE PHONE CALL THAT YOU HAVE, THE
12:29PM 16 TRANSCRIPTION. HE KEEPS ASKING HIM, "DO YOU WANT ME TO GO OVER
12:29PM 17 THERE? DO YOU WANT ME TO DO THIS? DO YOU WANT ME TO COOK?"

12:29PM 18 "NO, NO, NO, NO. NOTHING, MAN."

12:29PM 19 "DO YOU WANT ME TO GO?"

12:29PM 20 HE'S ASKING HIS BOSS WHAT HE WANTS HIM TO DO.

12:29PM 21 AND THEN THIS CONVERSATION SWITCHES. "NO, NO, I
12:30PM 22 HAVEN'T GOTTEN ANY NEWS FROM THE COUSIN OVER THERE." AND THE
12:30PM 23 GOVERNMENT IS GONNA TELL YOU THAT'S PRIMO.

12:30PM 24 "HAVE YOU FOUND OUT ANYTHING?"

12:30PM 25 AND THE TRANSCRIPT WHICH IS IN EVIDENCE SAYS, "NO,

CLOSING STATEMENT BY THE GOVERNMENT

1742

12:30PM 1 MAN, NOTHING."

12:30PM 2 "THEY DIDN'T CALL YOU? HAVEN'T THEY CALLED YOU
12:30PM 3 SINCE YESTERDAY?"

12:30PM 4 THE REASON MR. CARLOS VEGA IS ASKING MR. CAZARES
12:30PM 5 THAT IS BECAUSE THAT'S WHO PRIMO CALLS. HE CALLS MR. CAZARES.

12:30PM 6 THE ONLY ONE SUGGESTING THAT PRIMO MAY HAVE CALLED
12:30PM 7 MR. JUAN CARLOS VEGA IS MR. CAZARES. WHY? BECAUSE PRIOR TO
12:30PM 8 THIS PHONE CALL, THIS CONSENSUAL PHONE CALL, HE WAS TOLD BY
12:30PM 9 AGENT MATA SOME OF THE THINGS THAT HE NEEDED TO GET MR. JUAN
12:30PM 10 CARLOS VEGA TO SAY IN ORDER TO IMPLICATE HIM SO THEY COULD
12:30PM 11 ARREST HIM, TOO. BECAUSE THEY DIDN'T HAVE ANY EVIDENCE ON
12:30PM 12 MR. JUAN CARLOS VEGA. NO EVIDENCE ON HIM UNTIL MR. RAMIRO
12:31PM 13 CAZARES GETS ARRESTED. THAT'S ON APRIL 9TH, 2012. THIS
12:31PM 14 INVESTIGATION CEASED, FOR PURPOSES OF THIS CONSPIRACY, ON
12:31PM 15 APRIL 12TH, 2012.

12:31PM 16 JUAN CARLOS VEGA HAS SAT THERE WITH ME THIS ENTIRE
12:31PM 17 TRIAL. MOST OF THESE PEOPLE, WITH THE EXCEPTION OF RAMIRO
12:31PM 18 CAZARES, HE'S NEVER SEEN BEFORE, HE'S NEVER MET BEFORE. HE HAS
12:31PM 19 NO IDEA WHO EVEN THE PEOPLE SITTING AT COUNSEL TABLE ARE WITH
12:31PM 20 HIM. HE'S NEVER MET THEM BEFORE. AND YET HE'S IN THIS
12:31PM 21 CONSPIRACY. AND HE'S PROBABLY ASKING HIMSELF, "WHY IS MY BOSS
12:31PM 22 DOING THIS TO ME? WHY IS HE TRYING TO TAKE ME DOWN WITH HIM?"

12:32PM 23 LADIES AND GENTLEMEN, BECAUSE THAT IS WHAT A
12:32PM 24 DROWNING MAN DOES.

12:32PM 25 THANK YOU.

CLOSING STATEMENT BY THE GOVERNMENT

1743

THE COURT: THANK YOU, MR. PETRAZIO.

MR. GONZALEZ.

CLOSING STATEMENT ON BEHALF OF THE GOVERNMENT

MR. GONZALEZ: LADIES AND GENTLEMEN, IT'S ALWAYS INTERESTING IN CLOSING AND HEARING THE CLOSING OF DEFENSE COUNSEL HOW THEY PICK APART CERTAIN LITTLE THINGS AND THEY TELL YOU, "FOCUS ON THIS" OR "FOCUS ON THAT," AND THEN THEY TURN AROUND AND SAY, "BELIEVE THE PERSON THAT TOLD YOU THAT. BELIEVE THE PERSON THAT ENTERED INTO A PLEA AGREEMENT WITH THE GOVERNMENT. BELIEVE THEM WHEN THEY TELL YOU THIS, BUT WHEN THEY TALK ABOUT MY CLIENT AND TALK ABOUT MY CLIENT'S INVOLVEMENT, DON'T BELIEVE THEM." THEY WANT YOU TO BELIEVE CERTAIN THINGS AND DISBELIEVE OTHER THINGS.

THAT'S WHY I TOLD YOU IN VOIR DIRE, IN SELECTING YOU, THAT WE WERE LOOKING FOR PEOPLE THAT COULD LISTEN TO THE ENTIRE CASE, LOOK AT ALL THE EVIDENCE, NOT PIECES AND BITS AND PIECES. BECAUSE THAT'S WHAT THEY WANT YOU TO DO. BUT I AM CERTAIN THAT ONCE YOU LOOK AT THE TOTALITY OF THE EVIDENCE THAT THE GOVERNMENT HAS PROVIDED THAT YOU'LL BE CONVINCED THAT THESE INDIVIDUALS COMMITTED THE OFFENSES THAT THEY'RE CHARGED WITH.

LET ME START WITH MR. VEGA, BECAUSE THAT'S THE ONE YOU JUST HEARD FROM HERE AT THE END. YOU HAVE TO USE YOUR REASON AND COMMON SENSE AS JURORS, LADIES AND GENTLEMEN. YOU HAVE THE TRANSCRIPT OF THAT RECORDING. YOU HAVE THE RECORDING.

CLOSING STATEMENT BY THE GOVERNMENT

1744

12:34PM 1 AND IF YOU DON'T UNDERSTAND SPANISH, YOU HAVE THE TRANSCRIPT.
12:34PM 2 BUT YOU CAN ALSO LISTEN TO THE TONE OF THE CONVERSATION AND YOU
12:34PM 3 CAN TELL WHO'S LEADING THE CONVERSATION. IT ISN'T MR. CAZARES
12:34PM 4 THAT BRINGS UP THE ISSUE OF COOKING; IT'S MR. VEGA. AND THAT'S
12:34PM 5 CLEAR AND APPARENT AND CLEAR AS DAY.

12:34PM 6 AND IT'S NOT MR. CAZARES THAT'S TELLING HIM, "LET'S
12:34PM 7 GO OVER THERE AND COOK." IT'S THIS DEFENDANT.

12:34PM 8 AND THEN WHEN HE SAYS, "MY WIFE HAS FOUND OUT THAT
12:34PM 9 THE BALLS ARE THERE"--HE DOESN'T SAY THAT THE DRUGS ARE THERE,
12:34PM 10 THAT THE BALLS ARE THERE--HE SAYS, "WELL, LET'S TAKE THEM AND
12:34PM 11 PUT THEM IN A SECURE PLACE." SO IT SHOWS THAT HE KNOWS EXACTLY
12:34PM 12 WHAT HE'S TALKING ABOUT, THAT'S HE'S TALKING ABOUT DRUGS. HE
12:34PM 13 DOESN'T SAY THE WORD "DRUGS"; HE SAYS "BALLS." NOW, IF THEY'RE
12:34PM 14 REGULAR BASKETBALLS, FOOTBALLS, THEN WHY WOULD YOU WANT TO
12:34PM 15 TAKE THEM AND PUT THEM IN A SECURE PLACE? BUT IT SHOWS HIS
12:35PM 16 KNOWLEDGE OF WHAT'S GOING ON, IT SHOWS HIS WILLINGNESS TO
12:35PM 17 PARTICIPATE IN THIS.

12:35PM 18 AND RECALL WHAT I TOLD YOU IN THE VOIR DIRE--AND
12:35PM 19 IT'S IN THE INSTRUCTIONS--THAT IF A PERSON IS INVOLVED ON ONE
12:35PM 20 OCCASION, EVEN IF YOU BELIEVE THAT THIS IS THE ONE OCCASION
12:35PM 21 THAT HE WAS INVOLVED, THAT IS SUFFICIENT TO FIND HIM GUILTY OF
12:35PM 22 CONSPIRACY. BUT I SUBMIT TO YOU THAT HE WAS INVOLVED MORE THAN
12:35PM 23 THAT ONE OCCASION. AND HE DID THAT AT THE TIME THAT HE
12:35PM 24 ADMITTED TO AGENT MATA.

12:35PM 25 DEFENSE COUNSEL WANTS YOU TO BELIEVE THAT AGENT MATA

CLOSING STATEMENT BY THE GOVERNMENT

1745

12:35PM 1 HAS SOME SORT OF PERSONAL VENDETTA AGAINST HIM, THAT HE'S GOING
12:35PM 2 TO LEAD HIM THROUGH THIS CONFESSION. AND HE LAYS OUT THIS
12:35PM 3 SCENARIO THAT HE'S SPECULATING THAT AGENT MATA DID. AGENT MATA
12:35PM 4 ASKED HIM, "DO YOU KNOW ANY INFORMATION ABOUT THE DEALINGS OF
12:35PM 5 CAZARES?" AND THEN HE GAVE HIM THAT STATEMENT, THE STATEMENT
12:35PM 6 THAT YOU HAVE HEARD, WHERE HE ACKNOWLEDGES PICKING UP MONEY,
12:35PM 7 \$30,000 ON TWO OCCASIONS. WAS THAT A NUMBER THAT AGENT MATA
12:35PM 8 PULLED OUT OF HIS HEAD AND PUT INTO HIS HEAD? NO. THAT'S A
12:36PM 9 STATEMENT THAT HE GAVE, THAT HE WAS INVOLVED WITH \$30,000.

12:36PM 10 AND WHAT DO YOU KNOW ABOUT A KILO OF METHAMPHETAMINE
12:36PM 11 IN THIS TRIAL? SO YOU HAVE TO PUT ALL OF THAT TOGETHER. "WHAT
12:36PM 12 DO YOU KNOW ABOUT A KILO OF METHAMPHETAMINE?"

12:36PM 13 "THAT IT COSTS ABOUT \$30,000."

12:36PM 14 SO IF HE'S ADMITTING TO PICKING UP \$30,000, HE'S
12:36PM 15 ADMITTING TO PICKING UP ONE KILO OF METHAMPHETAMINE, BECAUSE
12:36PM 16 THAT'S WHAT THAT MONEY WAS. IT WAS THE PROCEEDS FROM A DRUG
12:36PM 17 TRANSACTION FOR THAT QUANTITY OF DRUGS.

12:36PM 18 SO, YES, YOU CAN MAKE WHATEVER INFERENCES REASON
12:36PM 19 AND COMMON SENSE LEAD YOU TO MAKE. AND THAT'S BASED ON WHAT
12:36PM 20 YOU'VE HEARD IN HERE AND YOUR COMMON LIFE'S EXPERIENCES, LADIES
12:36PM 21 AND GENTLEMEN. AND WHAT YOU'VE HEARD IN HERE IS THAT--BECAUSE
12:36PM 22 YOU DON'T KNOW THAT BEFORE YOU COME INTO THIS COURTROOM. YOU
12:36PM 23 DON'T KNOW HOW MUCH A KILO OF METHAMPHETAMINE COSTS. BUT NOW
12:36PM 24 YOU DO. SO NOW THAT YOU HAVE THAT EVIDENCE, APPLY IT TO THE
12:36PM 25 FACTS OF THIS CASE. AND WHEN YOU APPLY IT TO THE FACTS OF

CLOSING STATEMENT BY THE GOVERNMENT

1746

12:36PM 1 THIS CASE, YOU REACH THE INFERENCE OR THE CONCLUSION THAT
12:36PM 2 THIS DEFENDANT KNEW EXACTLY WHAT HE WAS TRANSPORTING, WHICH
12:37PM 3 WAS \$30,000. THAT \$30,000 WAS THE PROCEEDS FROM THE SALE
12:37PM 4 OF METHAMPHETAMINE, WHICH IS EQUIVALENT TO ONE KILO OF
12:37PM 5 METHAMPHETAMINE. SO THOSE ARE THE THINGS THAT YOU HAVE TO LOOK
12:37PM 6 FOR.

12:37PM 7 SO WHEN YOU PICK AND CHOOSE LITTLE SECTIONS, YOU
12:37PM 8 LOSE THE TOTALITY OF WHAT'S GOING ON HERE. AND THE TOTALITY OF
12:37PM 9 WHAT'S GOING ON HERE IS WHAT'S DEPICTED ON THE SCREEN, LADIES
12:37PM 10 AND GENTLEMEN. YOU HAVE PEOPLE IN MEXICO SENDING DRUGS TO THE
12:37PM 11 UNITED STATES BECAUSE IT'S A LUCRATIVE THING TO DO. BECAUSE
12:37PM 12 WHEN YOU TAKE A KILO OF METHAMPHETAMINE AND YOU BREAK IT DOWN
12:37PM 13 TO A GRAM--AND YOU HEARD--THAT'S ANOTHER THING THAT YOU HEARD
12:37PM 14 AT THIS TRIAL--THAT IS A HUNDRED DOLLARS' WORTH OF
12:37PM 15 METHAMPHETAMINE. WHEN YOU TAKE A KILO, WHICH IS A THOUSAND
12:37PM 16 GRAMS, AND YOU BREAK IT DOWN TO A HUNDRED-DOLLAR PORTION, HOW
12:37PM 17 MUCH IS A KILO OF METHAMPHETAMINE WORTH? A HUNDRED THOUSAND
12:37PM 18 DOLLARS.

12:38PM 19 IT'S A DIRTY BUSINESS. IT'S A BUSINESS ABOUT MAKING
12:38PM 20 MONEY. OF COURSE, IT WOULD TAKE A LOT OF WORK AND EFFORT TO
12:38PM 21 BREAK IT DOWN TO ONE-GRAM QUANTITIES. AND THEY DON'T DO THAT.
12:38PM 22 THEY DON'T DO THAT BECAUSE IT EXPOSES THEM TO LAW ENFORCEMENT,
12:38PM 23 BECAUSE THEY HAVE TO MAKE MORE TRANSACTIONS. AND THE MORE
12:38PM 24 TRANSACTIONS YOU MAKE, THE MORE LIKELY IT IS THAT YOU ARE GONNA
12:38PM 25 GET CAUGHT. SO THEY BREAK IT DOWN INTO LARGER QUANTITIES.

CLOSING STATEMENT BY THE GOVERNMENT

1747

12:38PM 1 BUT THAT IS WHAT WE'RE TALKING ABOUT, MAKING A LOT OF MONEY
12:38PM 2 DISTRIBUTING A DIRTY DRUG.

12:38PM 3 AND THE WAY THAT THAT DRUG COMES INTO THE UNITED
12:38PM 4 STATES IS BY THESE INDIVIDUALS UP HERE, TAVO, PRIMO, COOL GUY
12:38PM 5 AND PELON. THOSE ARE THE GUYS IN MEXICO THAT ARE SENDING THE
12:38PM 6 DRUGS. YOU HEARD THAT REPEATEDLY THROUGH THE WITNESSES.
12:38PM 7 THEY'VE IDENTIFIED THEIR SOURCES OF SUPPLY.

12:38PM 8 THE DRUGS THEN GET TO RAMIRO CAZARES AND JUAN CARLOS
12:38PM 9 VEGA. THAT'S THE FIRST LINE OF DISTRIBUTION. THEY HAVE THEIR
12:38PM 10 PART IN THIS.

12:38PM 11 NOW, DO RAMIRO CAZARES AND JUAN CARLOS VEGA HAVE TO
12:38PM 12 KNOW CHRISTINA HOUSE DOWN HERE IN THE BOTTOM? ABSOLUTELY NOT.
12:39PM 13 THE INSTRUCTIONS TELL YOU THAT. THEY DON'T HAVE TO KNOW EACH
12:39PM 14 OTHER. BECAUSE IF CHRISTINA HOUSE IS IN THE BUSINESS, IN THE
12:39PM 15 DRUG BUSINESS, AND SHE WANTS TO GET A BETTER PRICE, SHE'S GONNA
12:39PM 16 GO TO THE SOURCES OF SUPPLY.

12:39PM 17 WE WENT OVER THAT DURING VOIR DIRE WHEN I TOLD
12:39PM 18 YOU THAT SCENARIO WHERE AGENT MATA IS THE SOURCE OF SUPPLY,
12:39PM 19 MS. BATSON IS SELLING TO ME. AND I ASKED YOU: WHAT WOULD THE
12:39PM 20 PERSON DO IF I KNEW--IF HE KNEW I WAS PAYING \$15,000? HE WOULD
12:39PM 21 COME AND SELL TO ME AND WE WOULD CUT OUT THE MIDDLEMAN. THAT'S
12:39PM 22 WHY ALL THE PEOPLE DON'T HAVE TO KNOW EACH OTHER.

12:39PM 23 SO THE ARGUMENT ABOUT "MY CLIENT, MR. VEGA,
12:39PM 24 DOESN'T KNOW ANY OF THE OTHER PEOPLE SITTING HERE OR IN THIS
12:39PM 25 CONSPIRACY," THE JUDGE TELLS YOU OTHERWISE IN THE CHARGE. THEY

CLOSING STATEMENT BY THE GOVERNMENT

1748

12:39PM 1 DON'T HAVE TO KNOW EACH OTHER. THAT'S NOT REQUIRED. THAT'S
12:39PM 2 NOT A REQUIREMENT.

12:39PM 3 SO WHEN MS. BATSON SAYS, "DON'T GO DOWN THESE BUNNY
12:39PM 4 TRAILS," THAT'S WHAT WE'RE TALKING ABOUT.

12:39PM 5 AND FOR MR. WHALEN TO SAY HE'S INSULTED, THAT'S THE
12:39PM 6 ARGUMENT THAT THEY'RE MAKING TO YOU. AND THAT'S WHY MS. BATSON
12:39PM 7 SAID THAT. BECAUSE THEY WANT YOU TO GO OFF ON SOME TRAIL AND
12:40PM 8 GET LOST ON SOME TECHNICALITY WHEN THE FACT OF THE MATTER IS
12:40PM 9 THIS IS THE DISTRIBUTION HERE. THE INDIVIDUALS COME HERE AND
12:40PM 10 THIS IS THE FIRST LINE OF DISTRIBUTION.

12:40PM 11 AND THEN YOU HAVE ANDY NGUYEN AND FERNANDO PERALES.
12:40PM 12 AND THEY BOTH CAME IN HERE AND LAID OUT THEIR ORGANIZATION.
12:40PM 13 THEY TOLD YOU HOW IT WAS RUNNING, THEY TOLD YOU THE MONEYS
12:40PM 14 THAT THEY WERE MAKING.

12:40PM 15 DEFENSE COUNSEL ARGUES, "WELL, ANDY NGUYEN HAS ALL
12:40PM 16 THESE ASSETS AND ALL THESE THINGS." AND WHAT DOES THAT PROVE?
12:40PM 17 DOES THAT PROVE THAT THESE OTHER PEOPLE ARE NOT GUILTY, THAT
12:40PM 18 THESE DEFENDANTS HERE ARE NOT GUILTY? MAYBE HE'S A BETTER
12:40PM 19 BUSINESSMAN, MAYBE HE WAS SELLING LARGER QUANTITIES. I MEAN,
12:40PM 20 WE HEAR IT EVERY DAY. WE HAVE MILLIONAIRE ATHLETES WHO SIGN A
12:40PM 21 MILLION-DOLLAR CONTRACT AND THEN TURN OUT TO BE BANKRUPT AT THE
12:40PM 22 END OF THE DAY, AT THE END OF THEIR CAREERS. WHY? THEY DIDN'T
12:40PM 23 KNOW HOW TO HANDLE THEIR FINANCES. SO TO SAY, "WELL, THESE
12:40PM 24 INDIVIDUALS HERE DIDN'T HAVE ANY MONEY, SO, THEREFORE, THEY'RE
12:41PM 25 NOT GUILTY," THAT'S A BUNNY TRAIL, THAT'S A DISTRACTION, AND

CLOSING STATEMENT BY THE GOVERNMENT

1749

1 THAT'S SMOKE IN THIS COURTROOM, BECAUSE THAT DOESN'T PROVE
2 ANYTHING.

3 NOW, THE FIRST LINE OF DISTRIBUTION? THEY
4 TESTIFIED--NUMEROUS INDIVIDUALS CAME IN HERE AND TOLD HOW IT
5 WAS BEING DISTRIBUTED. AND THE ULTIMATE GOAL WAS TO GET IT TO
6 SHERMAN-DENISON AND HAVE THE DISTRIBUTION GO ON THERE SO THEY
7 COULD MAKE THE DISTRIBUTION AND MAKE MONEY. NOT ONLY TO
8 SUPPORT THEIR HABITS. THEY CAME IN HERE AND ADMITTED THAT
9 THEY HAD HABITS, THAT THEY WERE USING.

10 AND THAT'S ANOTHER THING. WHEN THEY CAME IN HERE
11 AND WE ASKED THEM, "HOW MUCH ARE YOU USING?"

12 "ONE GRAM."

13 I THINK THE MOST ANYONE SAID WAS TWO GRAMS A DAY.
14 SO IF THAT'S WHAT THEY'RE USING AND THEY'RE PICKING UP AN
15 OUNCE, WHICH IS 28 GRAMS, AND THEY'RE USING ONE GRAM, WHAT ARE
16 THEY DOING WITH THE OTHER 27 GRAMS OR THE OTHER 26 GRAMS? WHAT
17 INFERENCE CAN YOU DRAW FROM THAT? THE CIRCUMSTANTIAL EVIDENCE
18 IS THAT THEY'RE DISTRIBUTING NOT ONLY TO MAKE MONEY BUT TO HAVE
19 MONEY TO PAY FOR THEIR ADDICTION. SO DON'T LOSE SIGHT OF THAT,
20 THAT JUST BECAUSE THE NUMBERS ARE NOT ADDING UP OR WHAT THEY
21 ARE SAYING IS NOT ADDING UP. THINK ABOUT THE EVIDENCE IN THAT
22 LIGHT.

23 NOW, MS. BATSON SAID WHEN DEFENSE COUNSEL COME
24 UP HERE, THEY'RE GONNA SAY, "DON'T BELIEVE ANYTHING THEY SAY
25 BECAUSE THEY'RE ADDICTS. DON'T BELIEVE ANYTHING THEY SAY

CLOSING STATEMENT BY THE GOVERNMENT

1750

1 BECAUSE THEY HAVE PLEA AGREEMENTS." THE JUDGE TELLS YOU
2 OTHERWISE. THE JUDGE TELLS YOU IN THE INSTRUCTIONS THAT
3 THEIR TESTIMONY ALONE, IF YOU BELIEVE THEIR TESTIMONY BEYOND
4 A REASONABLE DOUBT AND THEIR TESTIMONY PROVES EACH AND EVERY
5 ONE OF THE ELEMENTS BEYOND A REASONABLE DOUBT, THAT THAT IS
6 SUFFICIENT FOR YOU TO FIND THESE DEFENDANTS GUILTY. AND
7 THAT'S IN THE INSTRUCTIONS, LADIES AND GENTLEMEN.

8 AND I KNOW DEFENSE COUNSEL ARGUES THAT YOU SHOULDN'T
9 RELY IF IT'S NOT SUPPORTED, IF IT'S UNSUPPORTED. WELL, LET
10 ME TALK TO YOU ABOUT THAT. WHAT DOES THAT MEAN, THAT IT'S
11 UNSUPPORTED? IT MEANS THAT THERE HAS TO BE CORROBORATION.
12 OKAY? AND CORROBORATION IS THE TESTIMONY OR EVIDENCE OF ONE
13 PERSON THAT TENDS TO SUPPORT THE TESTIMONY OR EVIDENCE OF
14 ANOTHER PERSON. WHAT DOES THAT MEAN? IF ONE PERSON COMES
15 IN HERE AND TESTIFIES THAT THEY SAW SOMETHING OR THEY DID
16 SOMETHING, AND THEN ANOTHER PERSON COMES IN HERE AND TELLS YOU
17 EXACTLY THE SAME THING, THEY'RE CORROBORATING ONE ANOTHER. IF
18 ONE PERSON COMES IN HERE AND SAYS, "I RENTED CARS FOR THEM TO
19 USE TO GO TO DALLAS AND PICK UP THE DRUGS," AND THEN WE PRESENT
20 YOU WITH THE RENTAL AGREEMENTS AND HE ACKNOWLEDGES "THOSE ARE
21 THE CARS I RENTED," THAT'S CORROBORATION. SO LOOK FOR THOSE
22 THINGS, LADIES AND GENTLEMEN. REASON AND COMMON SENSE AND
23 APPLICATION OF THE FACTS TO THIS CASE.

24 NOW, WHEN THEY SAY, "THERE IS NO EVIDENCE AGAINST
25 MY CLIENT. THEY SEIZED ALL THIS EVIDENCE AT BRITON COURT, THEY

CLOSING STATEMENT BY THE GOVERNMENT

1751

12:43PM 1 SEIZED DRUGS FROM BOBBY JAMES, THEY SEIZED DRUGS FROM KENNETH
12:43PM 2 HOUSE, ALL THIS OTHER PHYSICAL EVIDENCE WAS SEIZED FROM OTHER
12:43PM 3 PERSONS, NOT MY CLIENT, AND IT DOESN'T APPLY TO MY CLIENT,"
12:43PM 4 WELL, I DISAGREE. IT DOES APPLY TO THEIR CLIENT, BECAUSE
12:44PM 5 THE JUDGE TELLS YOU THAT WHEN YOU ARE IN A CONSPIRACY, IT'S A
12:44PM 6 PARTNERSHIP IN CRIME, THAT EACH PERSON BECOMES AN AGENT FOR THE
12:44PM 7 OTHER PERSON. SO IF THEY'RE AGENTS OF ONE ANOTHER, WHAT WAS
12:44PM 8 FOUND IN BRITON COURT IS ATTRIBUTABLE TO THEM, TOO. BECAUSE
12:44PM 9 THEY'RE FACILITATING THAT TRANSACTION. THEY'RE FACILITATING
12:44PM 10 THE MONEY THAT'S GOING BACK TO MEXICO THAT'S THEN ACQUIRING
12:44PM 11 MORE DRUGS THAT'S THEN MAKING IT INTO THE UNITED STATES THAT
12:44PM 12 IS THEN SEIZED AT BRITON COURT. AND THE ARGUMENT THERE IS THAT
12:44PM 13 YOU HAVE TO HOLD THEM RESPONSIBLE.

12:44PM 14 DURING THE TIME PERIOD THAT THEY'RE INVOLVED, ALL
12:44PM 15 THE DRUGS--ALL THE DRUGS THAT WERE TRANSPORTED AND TRANSACTED
12:44PM 16 AND SOLD CAN BE ATTRIBUTABLE TO THEM, BECAUSE THEY'RE A PART
12:44PM 17 OF THIS ORGANIZATION, THEY'RE A PART OF THIS CONSPIRACY.

12:44PM 18 SO AT THE END, WHEN IT ASKS YOU TO PROVE 500 GRAMS
12:45PM 19 OR MORE, WE'VE PROVEN WAY MORE THAN THAT. WAY MORE THAN THAT.
12:45PM 20 AND YOU HAVE IT HERE IN THIS COURTROOM, LADIES AND GENTLEMEN.
12:45PM 21 THAT'S WHAT THE EVIDENCE IS SHOWING YOU AND THAT'S WHAT YOU
12:45PM 22 SHOULD FOLLOW.

12:45PM 23 NOW, WHEN THEY SAY, "THE GOVERNMENT DIDN'T DO THIS,
12:45PM 24 THE GOVERNMENT DIDN'T DO THAT," IT'S A COMMON TACTIC, IT'S A
12:45PM 25 COMMON ARGUMENT TO MAKE. ALWAYS WANTING MORE. "WHERE'S THE

CLOSING STATEMENT BY THE GOVERNMENT

1752

12:45PM 1 DNA?" YOU KNOW, THIS ISN'T CSI. YOU KNOW, WE'RE NOT ON TV.
12:45PM 2 THINGS DON'T HAPPEN THAT WAY. THAT'S A FANTASY.

12:45PM 3 AGENT MATA TESTIFIED ABOUT THE RESTRICTIONS OF
12:45PM 4 MONEY. THERE WAS 34 DEFENDANTS IN THIS CASE. SO HE'S SUPPOSED
12:45PM 5 TO DO 34 INDEPENDENT AND SEPARATE TITLE III'S, WHICH COST
12:45PM 6 THOUSANDS OF DOLLARS? OR DOES HE RELY ON OTHER TOOLS? DOES
12:45PM 7 HE RELY ON INFORMATION FROM CONFIDENTIAL INFORMANTS? DOES HE
12:45PM 8 RELY ON DEBRIEFS OF PEOPLE THAT ARE BEING ARRESTED AND THEY'RE
12:45PM 9 GIVING INFORMATION, AND THEN HE ARRESTS ANOTHER PERSON AND HE
12:45PM 10 GIVES THAT SAME INFORMATION? THEN THAT INFORMATION IS
12:46PM 11 CORROBORATED AND MORE RELIABLE. CAN HE THEN RELY ON THAT?
12:46PM 12 WELL, OBVIOUSLY, HE CAN, BECAUSE THAT'S HOW HE GOT THE SEARCH
12:46PM 13 WARRANTS FOR THE DIFFERENT LOCATIONS THAT HE WENT TO. AND
12:46PM 14 HE WENT BEFORE A JUDGE, AND A JUDGE THOUGHT THAT THAT WAS
12:46PM 15 SUFFICIENT INFORMATION BASED ON HIS INFORMATION AND
12:46PM 16 INVESTIGATION. SO A JUDGE THOUGHT IT WAS RELIABLE. HE THOUGHT
12:46PM 17 IT WAS RELIABLE. AND THAT'S HOW THIS INVESTIGATION PROCEEDED.
12:46PM 18 SO WHY ISN'T THAT SUFFICIENT?

12:46PM 19 DEFENSE COUNSEL PETRAZIO ARGUES THAT HE AND DEFENSE
12:46PM 20 COUNSEL WHALEN ARE ARGUING THE SAME THING, THAT THERE WASN'T
12:46PM 21 ENOUGH EVIDENCE HERE. BUT THERE REALLY AREN'T [SIC]. BECAUSE
12:46PM 22 MR. WHALEN ARGUES THERE WAS NO SURVEILLANCE, THAT THERE WERE NO
12:46PM 23 RECORDINGS AND THERE WERE NO CONFESSIONS OF HIS DEFENDANT.
12:46PM 24 AND THERE WEREN'T. BUT THERE WERE IN MR. VEGA'S INVESTIGATION.
12:46PM 25 BUT THEY WANT YOU TO BELIEVE, "WELL, THAT'S NOT ENOUGH EITHER.

CLOSING STATEMENT BY THE GOVERNMENT

1753

12:46PM 1 THE SURVEILLANCE THAT WAS DONE AT HIS HOUSE WHEN HE MOVED THE
12:46PM 2 CAR, THAT'S NOT ENOUGH. THE CONFESSION THAT HE GAVE, IT WAS
12:47PM 3 FABRICATED BY AGENT MATA OR SOMEHOW COERCED BY AGENT MATA.
12:47PM 4 THE RECORDING THAT WAS MADE BETWEEN HIM AND CAZARES, HE'S JUST
12:47PM 5 BEING LOYAL TO MR. CAZARES."

12:47PM 6 AND WHAT'S FUNNY ABOUT THAT IS THERE'S SORT OF AN
12:47PM 7 ADMISSION THAT HE'S INVOLVED IN THIS. BECAUSE HIS ATTORNEY IS
12:47PM 8 ARGUING THAT HE DID THIS BECAUSE OF LOYALTY TO HIS EMPLOYER OR
12:47PM 9 BECAUSE HE WAS FOLLOWING SOME SORT OF ORDERS FROM HIS EMPLOYER.
12:47PM 10 WELL, THAT'S NOT A DEFENSE. FOLLOWING ORDERS IS NOT A DEFENSE.
12:47PM 11 BEING LOYAL TO YOUR EMPLOYER IS NOT A DEFENSE. BECAUSE AS HE
12:47PM 12 SITS THERE, HE'S NOT A CHILD. HE'S CAPABLE OF MAKING HIS OWN
12:47PM 13 DECISIONS. HE'S CAPABLE OF DETERMINING RIGHT FROM WRONG. AND
12:47PM 14 HE DECIDED TO DO WRONG. HE DECIDED TO JOIN WITH HIS FRIEND
12:47PM 15 RAMIRO CAZARES, OR HIS EMPLOYER RAMIRO CAZARES, AND DO WRONG,
12:48PM 16 PICK UP THE DRUGS, TAKE THEM OVER TO THE HOUSE, AND ATTEMPT TO
12:48PM 17 COOK THE DRUGS. THAT WAS HIS DECISION. AND THAT'S A DECISION
12:48PM 18 HE MADE. AND NOW YOU HAVE TO HOLD HIM ACCOUNTABLE FOR THAT.
12:48PM 19 AND THAT'S WHY WE'RE HERE. BECAUSE HE WAS PART OF THIS
12:48PM 20 CONSPIRACY AND THAT WAS HIS PART OF THE CONSPIRACY.

12:48PM 21 NOW, IN REGARDS TO PHOTOGRAPHS, WHY WEREN'T
12:48PM 22 PHOTOGRAPHS TAKEN OF THE VEHICLE OR WHY WERE THEY TAKEN OF
12:48PM 23 THE VEHICLE BUT NOT OF THE HOUSE? PHOTOGRAPHS WERE TAKEN OF
12:48PM 24 THE VEHICLE AT DEA HEADQUARTERS, NOT AT THE SCENE. THAT'S WHY
12:48PM 25 THERE WERE PHOTOGRAPHS TAKEN THERE. THERE WAS A RECORDING MADE

CLOSING STATEMENT BY THE GOVERNMENT

1754

12:48PM 1 WITH MR. CAZARES TO MR. VEGA BECAUSE MR. CAZARES WAS AT DEA
12:48PM 2 HEADQUARTERS, NOT AT THE SCENE.

12:48PM 3 SO THERE'S EXPLANATIONS AS TO WHY AGENT MATA DID
12:48PM 4 WHAT HE DID AND WHY THINGS WEREN'T AVAILABLE TO HIM. WHAT,
12:48PM 5 HE'S SUPPOSED TO WAIT BEFORE HE QUESTIONS SOMEBODY UNTIL HE CAN
12:49PM 6 GET A CAMERA OR HE CAN GET A RECORDING AT THE SCENE? WHAT IF
12:49PM 7 THAT PERSON CHANGES HIS MIND IN THE INTERIM? THEN HE'S LOST
12:49PM 8 THE OPPORTUNITY TO GET A CONFESSION. THAT'S WHY THEY DON'T DO
12:49PM 9 IT.

12:49PM 10 USE YOUR LOGIC AND COMMON SENSE, LADIES AND
12:49PM 11 GENTLEMEN, AND I GUARANTEE YOU THAT YOU'LL REACH THE RIGHT
12:49PM 12 DECISION.

12:49PM 13 NOW, TURNING TO MR. BOWEN, I THINK MR. WHALEN
12:49PM 14 STARTED OFF BY SAYING THAT THERE WAS NO EVIDENCE OF AN
12:49PM 15 AGREEMENT HERE. AND I WOULD ARGUE TO YOU THAT THAT DEFIES
12:49PM 16 LOGIC, BECAUSE THERE IS AN AGREEMENT. BECAUSE THE WITNESSES
12:49PM 17 WHO CAME IN HERE AND TESTIFIED TOLD YOU THERE WAS AN AGREEMENT.

12:49PM 18 HE SAYS THERE WAS NO AGREEMENT BECAUSE THE DRUGS
12:49PM 19 WEREN'T FRONTED TO HIM. WELL, THE EVIDENCE IS, REGARDLESS OF
12:49PM 20 WHETHER THEY WERE OR THEY WEREN'T, HE STILL WENT BACK TO GET
12:49PM 21 MORE DRUGS. THEY NEGOTIATED A PRICE. SO THERE WAS A
12:50PM 22 NEGOTIATION FOR A NEGOTIATED PRICE. AND YOU'VE HEARD THAT
12:50PM 23 IF YOU ARE GONNA COME FREQUENTLY, YOU'RE GONNA GET ONE PRICE.
12:50PM 24 IF YOU'RE GONNA COME INFREQUENTLY, YOU'RE GONNA GET A HIGHER
12:50PM 25 PRICE. SO THERE'S SOME NEGOTIATION. THEY REACHED AN AGREEMENT

CLOSING STATEMENT BY THE GOVERNMENT

1755

12:50PM 1 AND THEN HE STARTED TO GET DRUGS. THERE'S AN AGREEMENT AS TO
12:50PM 2 WHERE THE DISTRIBUTION IS GONNA HAPPEN, THERE'S AN AGREEMENT
12:50PM 3 AS TO WHEN THE DISTRIBUTION IS GONNA HAPPEN, AND THERE'S AN
12:50PM 4 AGREEMENT AS TO HOW MUCH IS GOING TO BE DISTRIBUTED. THOSE ARE
12:50PM 5 ALL AGREEMENTS THAT WERE MADE BETWEEN MR. BOWEN AND THE SOURCES
12:50PM 6 OF SUPPLY. AND THAT'S IF YOU OVERLOOK THE FACT THAT THERE WAS
12:50PM 7 TESTIMONY FROM OTHER WITNESSES THAT THEY WOULD BRING THE DRUGS
12:50PM 8 TO SHERMAN AND DISTRIBUTE IT THERE. DON'T OVERLOOK THE FACT
12:50PM 9 THAT MS. DAVILA SAID THAT HE HAD HIS RELIABLE CUSTOMERS. HE
12:50PM 10 HAD THREE BLACK MEN THAT WOULD COME, AND THEY WOULD ALL GET 7.5
12:50PM 11 GRAMS, AND THAT WHATEVER HE HAD LEFT HE WOULD PICK UP THE PHONE
12:50PM 12 AND CALL OTHER PEOPLE. WELL, THAT'S EVIDENCE OF DISTRIBUTION.
12:50PM 13 THAT'S EVIDENCE OF HAVING AN AGREEMENT WITH THESE OTHER
12:51PM 14 INDIVIDUALS. HOW CAN YOU ARGUE THAT THERE'S NO AGREEMENT?
12:51PM 15 HOW CAN YOU ARGUE THERE'S NO DISTRIBUTION GOING ON HERE WHEN
12:51PM 16 THE FACTS THAT HAVE BEEN ELICITED DURING THIS TRIAL INDICATE
12:51PM 17 OTHERWISE?

12:51PM 18 NOW, MR. WHALEN ALSO ARGUES ABOUT THE RELIABILITY OF
12:51PM 19 THE WITNESSES AND THE CREDIBILITY OF THE WITNESSES. WELL, THE
12:51PM 20 BOTTOM LINE IS THIS, LADIES AND GENTLEMEN: A LOT OF THESE
12:51PM 21 CASES RISE AND FALL ON WHAT YOU BELIEVE, WHO YOU BELIEVE, AND
12:51PM 22 WHAT AMOUNTS YOU BELIEVE. THAT'S REALLY THE BOTTOM LINE HERE.

12:51PM 23 AND AS I TOLD YOU DURING VOIR DIRE, THERE ARE TWO
12:51PM 24 JUDGES IN THIS COURTROOM. JUDGE SCHELL. JUDGE SCHELL IS THE
12:51PM 25 JUDGE OF THE LAW, AND HE'S GIVEN YOU THAT LAW IN THE JURY

CLOSING STATEMENT BY THE GOVERNMENT

1756

12:51PM 1 INSTRUCTIONS. YOU ARE THE JUDGES OF THE FACTS, AND YOU GET TO
12:52PM 2 DECIDE ALL WHAT A PERSON TOLD YOU, PART OF WHAT A PERSON TOLD
12:52PM 3 YOU, OR NONE OF WHAT A PERSON TOLD YOU [SIC]. THAT IS YOUR
12:52PM 4 RESPONSIBILITY, THAT'S YOUR JOB. NONE OF US CAN TELL YOU
12:52PM 5 HOW TO DO IT. THE JUDGE MAKES SOME SUGGESTIONS IN THE JURY
12:52PM 6 INSTRUCTIONS, AND HE TELLS YOU TO LOOK AT CERTAIN THINGS.

12:52PM 7 AND I ENCOURAGE YOU TO DO THAT. BUT I ALSO ASK YOU,
12:52PM 8 WHEN YOU ARE CONSIDERING THE TESTIMONY OF A PERSON WHO COMES
12:52PM 9 INTO THIS COURTROOM, WHO DID YOU THINK WAS GONNA COME IN HERE
12:52PM 10 AND TESTIFY? WHO DID YOU THINK WAS GOING TO BE IN THE POSITION
12:52PM 11 TO COME IN HERE AND TELL YOU THESE THINGS? THESE TRANSACTIONS
12:52PM 12 DON'T HAPPEN OUT IN PUBLIC. THESE PEOPLE DON'T WANT TO GET
12:52PM 13 CAUGHT. THEY WANT TO CONTINUE THE DIRTY BUSINESS OF
12:52PM 14 DISTRIBUTING DRUGS AND MAKING DRUGS AND USING DRUGS. THAT'S
12:52PM 15 WHAT THEY WANT TO CONTINUE TO DO. THEY'RE NOT GONNA DO IT IN
12:52PM 16 PUBLIC. THEY'RE NOT GONNA DO IT WHERE EVERYBODY KNOWS. THEY
12:52PM 17 TRAVEL IN SMALL CIRCLES, THIS CIRCLE OF PEOPLE THAT YOU HAVE
12:52PM 18 IN HERE THAT ARE INVOLVED IN THIS TYPE OF DISTRIBUTION. SO WHO
12:53PM 19 DID YOU EXPECT TO COME IN HERE AND TESTIFY? NOT CHOIRBOYS, NOT
12:53PM 20 PREACHERS. IT'S GONNA BE THE PEOPLE THAT ARE INVOLVED. AND
12:53PM 21 THAT'S WHO WE BROUGHT YOU. NOW, YOU HAVE TO DECIDE WHETHER
12:53PM 22 THEY'RE CREDIBLE OR NOT; YOU HAVE TO DECIDE WHETHER YOU BELIEVE
12:53PM 23 THEM OR NOT.

12:53PM 24 AND WE DID GO OVER THE PLEA AGREEMENTS AD NAUSEAM.
12:53PM 25 AND WE DO THAT BECAUSE WE WANT YOU TO SEE THE RESTRICTIONS AND

CLOSING STATEMENT BY THE GOVERNMENT

1757

1 CONDITIONS THAT THEY'RE UNDER WHEN THEY TESTIFY. WE WANT YOU
2 TO SEE THAT IF THEY LIE, THERE ARE CONSEQUENCES.

3 AND HOW ARE WE GOING TO KNOW THAT THEY'RE LYING
4 TO US? WE'RE GONNA KNOW THAT BECAUSE THE PEOPLE THAT TESTIFY
5 THAT ARE GIVING US INFORMATION, THEY DON'T KNOW WHAT WE KNOW.
6 THEY DON'T KNOW WHO WE'VE TALKED TO. SO IF WE'RE TALKING TO
7 INDIVIDUALS AND THEY DIFFER BETWEEN ONE ANOTHER, AND WE'RE
8 TELLING THEM, "YOU HAVE TO BE 100 PERCENT HONEST," AND WE'VE
9 HEARD DIFFERENT STORIES FROM THOSE PEOPLE, THEN THEY'RE GONNA
10 BE CALLED TO TASK FOR IT. BECAUSE THEY'RE BEING INTERVIEWED
11 AT SEPARATE TIMES, AND THE INFORMATION THAT THE AGENT HAS
12 DEVELOPED THROUGH HIS INVESTIGATION THAT HE KNOWS, AND THE
13 INFORMATION THAT HE HAS DEVELOPED BY DEBRIEFING OTHER PEOPLE,
14 NOT ONLY THE ONE THAT'S GIVING THE INFORMATION, THAT HE KNOWS
15 IS GOING TO BE USED AS A BAROMETER TO TELL US WHETHER THAT
16 PERSON IS TELLING US THE TRUTH OR NOT. AND THEN THAT PERSON
17 IS TELLING THE TRUTH OR NOT. AND ONCE HE MAKES THAT
18 DETERMINATION, THEN WE KNOW WHAT THAT PERSON WILL SAY. AND
19 THEN THAT PERSON IS BROUGHT TO YOU TO TESTIFY. AND YOU SAW THE
20 CONDITIONS THAT ARE IN THE PLEA AGREEMENT, THAT IF THEY DON'T
21 TESTIFY, OTHER CHARGES CAN BE FILED AGAINST THEM, OBSTRUCTION
22 OF JUSTICE, PERJURY, AND THAT WOULD BE STACKED ON TOP OF THE
23 TIME THAT THEY'RE ALREADY LOOKING AT. SO ASK YOURSELF: IF THE
24 GOAL IS TO DO LESS TIME, IF THE GOAL IS TO BE WITH YOUR INFANT
25 CHILD, THEN IT MAKES NO SENSE FOR THEM TO COME IN HERE AND LIE

CLOSING STATEMENT BY THE GOVERNMENT

1758

12:54PM 1 TO YOU, WHERE THEY WOULD BE EXPOSED TO MORE TIME. THAT'S WHY
12:54PM 2 THOSE PLEA AGREEMENTS ARE WORDED THAT WAY.

12:54PM 3 SO, YES, THERE HAS TO BE SOME INCENTIVE FOR THEM
12:54PM 4 TO COME IN HERE AND TESTIFY, BECAUSE NOBODY WANTS TO COME IN
12:54PM 5 HERE AND TESTIFY AND POINT SOMEONE OUT AND SAY, "THAT'S THE
12:54PM 6 GUY THAT WAS SELLING TO ME." "THAT'S THE PERSON THAT WAS
12:55PM 7 DELIVERING THE DRUGS TO ME." "THAT'S THE PERSON THAT WAS
12:55PM 8 SUPPLYING MY ADDICTION." NO ONE WANTS TO DO THAT. NO ONE
12:55PM 9 WANTS TO DO IT IN FRONT OF STRANGERS.

12:55PM 10 SO IS THERE ANY GUARANTEES OR PROMISES MADE TO THEM?
12:55PM 11 NO.

12:55PM 12 IS THERE A HOPE THAT THEY MAY RECEIVE SOMETHING?
12:55PM 13 YES.

12:55PM 14 AND THEY ALL SAID THAT REPEATEDLY. THAT'S THE
12:55PM 15 INFORMATION THAT YOU HAVE, LADIES AND GENTLEMEN, TO JUDGE THEIR
12:55PM 16 CREDIBILITY. WE DIDN'T HIDE THEIR ADDICTIONS, WE DIDN'T HIDE
12:55PM 17 THEIR CRIMINAL HISTORY, BECAUSE WE WANT YOU TO TAKE ALL OF THAT
12:55PM 18 INTO CONSIDERATION. BUT MOSTLY WHAT WE WANT YOU TO DO IS FOR
12:55PM 19 YOU TO TAKE THEIR TESTIMONY, COMPARE IT TO ANOTHER PERSON'S
12:55PM 20 TESTIMONY THAT CAME INTO THIS COURTROOM, AND SEE THAT THEIR
12:55PM 21 TESTIMONY MATCHES. NOT IN SPECIFIC DETAILS. BECAUSE IF ALL
12:55PM 22 OF THEM CAME IN HERE AND TOLD YOU EXACTLY THE SAME THING, THEN
12:55PM 23 REASON AND COMMON SENSE WOULD LEAD YOU TO BELIEVE "THERE'S
12:55PM 24 SOMETHING GOING ON HERE." SO THAT'S WHY YOU HAVE TO LOOK AT
12:55PM 25 THEIR TESTIMONY.

CLOSING STATEMENT BY THE GOVERNMENT

1759

12:55PM 1 NOW, YOU ALSO HAVE TO APPLY REASON AND COMMON SENSE.
12:56PM 2 DO YOU REMEMBER WHO YOU MET TWO YEARS AGO? DO YOU REMEMBER
12:56PM 3 WHO YOU PAID A DEBT TWO YEARS AGO? DO YOU REMEMBER ALL THOSE
12:56PM 4 DETAILS? THAT'S WHAT THESE INDIVIDUALS ARE ASKED TO DO. AND
12:56PM 5 THEY'RE BEING ASKED TO DO IT IN A VERY STRESSFUL ENVIRONMENT
12:56PM 6 AND SITUATION--TESTIFYING. AND I'M NOT MAKING EXCUSES FOR
12:56PM 7 THEM, BUT IT IS STRESSFUL TO TESTIFY. SO WHEN THEY SAY THE
12:56PM 8 TIME PERIODS DON'T MATCH UP PERFECTLY, WOULDN'T YOU SUSPECT
12:56PM 9 THAT THERE WAS SOMETHING GOING ON IF THEY DID? IT MAKES MORE
12:56PM 10 SENSE THEY'RE TELLING YOU THE TRUTH BECAUSE THEY DON'T MATCH UP
12:56PM 11 PERFECTLY.

12:56PM 12 NOW MR. SALAZAR. I THINK THERE IS MORE THAN AMPLE
12:56PM 13 EVIDENCE TO CONVICT MR. SALAZAR. EVERY SINGLE WITNESS CAME
12:56PM 14 IN HERE AND TESTIFIED ABOUT MR. SALAZAR. I WAS THINKING ABOUT,
12:56PM 15 WHEN I CAME IN HERE, THAT THERE'S A GAME THAT PEOPLE PLAY AT
12:57PM 16 SOCIAL GATHERINGS WHICH IS CALLED "SEVEN DEGREES OF SEPARATION
12:57PM 17 FROM KEVIN BACON," WHERE YOU SAY A NAME AND YOU TRY AND RELATE
12:57PM 18 IT BACK TO KEVIN BACON. WELL, HERE IT'S SEVEN DEGREES OF
12:57PM 19 SEPARATION FROM RENE SALAZAR, BECAUSE EVERYBODY WHO CAME IN
12:57PM 20 HERE KNEW RENE SALAZAR. THEY KNEW HE WAS A DRUG DEALER. AND
12:57PM 21 YOU CAN LINK PEOPLE ALL THE WAY BACK TO HIM. YOU CAN LINK IT
12:57PM 22 ALL THE WAY UP TO THE SOURCES OF SUPPLY, BECAUSE THE WAY THAT
12:57PM 23 HAPPENS IS YOU'VE GOT THESE INDIVIDUALS DELIVERING TO ANDY
12:57PM 24 NGUYEN, HIS WORKERS DELIVERING TO MANUEL CAMACHO AND PRISCILLA
12:57PM 25 MARCELENO, AND THEN THEY COME TO RENE SALAZAR. OR YOU COULD

CLOSING STATEMENT BY THE GOVERNMENT

1760

12:57PM 1 START IT FROM THIS OTHER SIDE, CHRISTINA HOUSE TO KENNETH HOUSE
12:57PM 2 TO RENE SALAZAR. THEY ALL CONNECT BACK TO RENE SALAZAR. HE'S
12:57PM 3 THE MAIN POINT OF DISTRIBUTION.

12:57PM 4 AND TO ARGUE THAT THEY'RE NOT PARTNERS IS RIDICULOUS.
12:57PM 5 THEY ALL CAME IN HERE, ALL THE PEOPLE THAT KNEW ABOUT THEIR
12:57PM 6 RELATIONSHIP, AND SAID, "THEY'RE PARTNERS IN DISTRIBUTIONS.
12:57PM 7 WHEN I COULDN'T GET IT FROM RENE, HE WOULD SEND ME OVER TO
12:58PM 8 KENNETH. WHEN KENNETH DIDN'T HAVE IT, HE WOULD SEND ME TO
12:58PM 9 CHARLES." AND YOU HEARD THAT CHARLES WAS DOING HIS OWN DEAL.
12:58PM 10 YOU HEARD THE TESTIMONY THAT HE WAS LEFT IN CHARGE SO THAT THE
12:58PM 11 OPERATION COULD CONTINUE WHILE THEY WERE LOCKED UP. BECAUSE
12:58PM 12 THIS IS WHAT THEY KNOW AND THIS IS WHAT THEY'RE INVOLVED WITH.
12:58PM 13 THIS IS WHAT RENE SALAZAR KNOWS AND THAT'S WHAT HE WAS INVOLVED
12:58PM 14 WITH. THIS IS WHAT TIMOTHY BOWEN KNOWS AND THIS IS WHAT HE'S
12:58PM 15 INVOLVED WITH.

12:58PM 16 AND YOU HEARD THE TESTIMONY ABOUT HIS PRIOR
12:58PM 17 CONVICTION FOR CRACK COCAINE. AND THE JUDGE HAS GIVEN YOU THE
12:58PM 18 INSTRUCTION AS TO HOW TO USE THAT, LADIES AND GENTLEMEN. HIS
12:58PM 19 INTENT. HIS INTENT APPEARS TO BE INVOLVED IN ANOTHER DRUG
12:58PM 20 CASE. SO THE EVIDENCE IS THAT HE'S INVOLVED IN A CONSPIRACY.
12:58PM 21 AND YOU CAN USE THAT INFORMATION TO SHOW THAT HE HAS THE INTENT
12:58PM 22 THAT HE NEEDS TO BE INVOLVED IN THIS CONSPIRACY. THAT'S WHAT
12:58PM 23 THAT SHOWS YOU AND THAT'S WHY THAT WAS OFFERED.

12:58PM 24 NOW LET ME POINT OUT SOME OF THE THINGS THAT I HAVE
12:59PM 25 TALKED TO YOU ABOUT JUST IN GENERAL AND TELL YOU WHERE YOU CAN

CLOSING STATEMENT BY THE GOVERNMENT

1761

1 FIND IT IN THE JURY INSTRUCTIONS.

2 IN THE JURY INSTRUCTIONS THE JUDGE TELLS YOU ON PAGE
3 11 THAT--IN DESCRIBING A CONSPIRACY, HE SAYS, "IT'S A KIND OF
4 PARTNERSHIP IN CRIME IN WHICH EACH MEMBER BECOMES AN AGENT OF
5 EVERY OTHER MEMBER." AND THAT'S WHEN I WAS TALKING TO YOU OR
6 REFERRING--OR ARGUING TO YOU THAT ALL THESE PEOPLE ON THIS
7 SCREEN CAN BE HELD ACCOUNTABLE FOR ALL THE DRUGS THAT WERE
8 SEIZED IN THIS CASE, BECAUSE THEY'RE EACH AN AGENT. THAT'S
9 AS IF YOU WORK FOR A CORPORATION AND YOUR ACTIONS COME BACK
10 TO THAT CORPORATION. ALL OF THESE GUYS ARE WORKING FOR THIS
11 ORGANIZATION BECAUSE THEY'RE DISTRIBUTING. THEY'RE CONNECTING
12 WITH ONE ANOTHER, THEY'RE TRANSPORTING WITH ONE ANOTHER,
13 THEY'RE BRINGING IT BACK, THEY'RE MAKING MONEY, AND THEY'RE
14 SENDING THE MONEY UP THE CHAIN TO MEXICO SO THAT MORE DRUGS
15 CAN COME BACK TO THE UNITED STATES. SO THEY ARE AGENTS FOR
16 ONE ANOTHER. THEREFORE, YOU CAN HOLD THEM ACCOUNTABLE FOR
17 THE QUANTITIES THAT YOU HAVE HERE TODAY.

18 WITH MR. VEGA IT'S EVEN MORE APPARENT BECAUSE OF
19 THE FACT THAT HE WENT AND HE PICKED UP THOSE SIX KILOGRAMS
20 OF METHAMPHETAMINE. SO HE'S WELL OVER 500 GRAMS OF
21 METHAMPHETAMINE. BUT YOU CAN ATTRIBUTE THAT TO THE OTHERS
22 AS WELL.

23 AND THEN ON PAGE 3 AND 4 IT TALKS ABOUT WHAT I ARGUE
24 TO YOU ABOUT THE CREDIBILITY OF THE WITNESSES, THAT YOU HAVE TO
25 DECIDE, YOU AND YOU ALONE ARE THE JUDGES OF THE CREDIBILITY OF

CLOSING STATEMENT BY THE GOVERNMENT

1762

01:00PM 1 THE WITNESSES, AND YOU HAVE TO DETERMINE WHO YOU BELIEVE AND
01:00PM 2 WHO YOU DON'T BELIEVE. AND IT MAKES CERTAIN SUGGESTIONS. AND
01:00PM 3 THEN I WOULD ASK YOU TO LOOK AT WHO YOU THOUGHT WAS GONNA COME
01:00PM 4 IN HERE AND TESTIFY.

01:00PM 5 NOW, THE INSTRUCTIONS, WHEN IT TALKS ABOUT
01:00PM 6 "UNSUPPORTED TESTIMONY," I HAVE TO COME BACK TO THAT BECAUSE
01:01PM 7 I THINK THAT'S A VERY IMPORTANT POINT. IF THE PEOPLE ARE
01:01PM 8 TELLING YOU THE SAME THING REPEATEDLY, HOW CAN THE TESTIMONY
01:01PM 9 BE UNSUPPORTED? THEY'RE SUPPORTING ONE ANOTHER. IF THE
01:01PM 10 INFORMATION AND THE INVESTIGATION SHOWS THAT THERE ARE ITEMS
01:01PM 11 HIDDEN IN A HOUSE, AND THEN THEY GO AND THEY FIND THOSE ITEMS,
01:01PM 12 HOW IS THE INFORMATION AND TESTIMONY UNSUPPORTED?

01:01PM 13 ONE OTHER THING ABOUT MR. VEGA--AND MS. BATSON
01:01PM 14 TOUCHED ON IT DURING HER ARGUMENT TO YOU--THERE IS WHAT WE
01:01PM 15 CALL IN LAW "CONSCIOUSNESS OF GUILT." AND THAT IS WHEN YOU
01:01PM 16 DO SOMETHING THAT IS INDICATIVE OF A GUILTY CONSCIENCE. FOR
01:01PM 17 EXAMPLE, LET'S SAY SOMEONE IS SITTING ON A STOOP, AND THEY'VE
01:01PM 18 JUST ROBBED A STORE, AND THEY SEE A POLICE OFFICER APPROACHING,
01:01PM 19 AND BEFORE THAT POLICE OFFICER CAN REACH THEM, THEY TAKE OFF
01:02PM 20 RUNNING. THAT'S CONSCIOUSNESS OF GUILT. OKAY?

01:02PM 21 WHAT DID MR. VEGA DO TO SHOW YOU CONSCIOUSNESS OF
01:02PM 22 GUILT? WHAT DID HE ADMIT TO? HE MOVED THE CAR THAT HE KNEW
01:02PM 23 HAD COME FROM ANDY NGUYEN FROM CLOSE PROXIMITY TO HIS APARTMENT
01:02PM 24 TO SOME OTHER LOCATION. HE TOOK THE KEYS TO THAT CAR THAT HE
01:02PM 25 KNEW HAD A COMPARTMENT AND HAD COME FROM ANDY NGUYEN AND HE HID

CLOSING STATEMENT BY THE GOVERNMENT

1763

01:02PM

1 THEM.

01:02PM

2 WHAT ELSE DID HE DO? HE TOOK HIS PHONE AND HE THREW
3 IT AWAY.

01:02PM

4 THOSE ARE ALL INDICATIONS OF CONSCIOUSNESS OF GUILT.
5 THAT'S WHY HE DID THOSE THINGS. AND YOU CAN USE THAT TO
6 DETERMINE WHETHER YOU BELIEVE HE'S GUILTY OR NOT. AND I ASK
7 YOU TO USE THOSE THINGS AND COMBINE THOSE THINGS WITH ALL
8 THE EVIDENCE THAT YOU HEARD, THE RECORDINGS AS WELL AS
9 THE TESTIMONY FROM MR. CAZARES.

01:02PM

10 YOU DON'T HAVE TO LIKE MR. CAZARES. YOU DON'T HAVE
11 TO LIKE THE FACT THAT HE CHEATED ON HIS WIFE AND THAT HE HAD
12 GIRLFRIENDS. NO ONE LIKES THAT. BUT YOU HAVE TO JUDGE HIS
13 INFORMATION AND HIS STATEMENTS AND COMPARE THAT TO WHAT THE
14 DEFENDANT HIMSELF SAID IN HIS CONFESSION.

01:03PM

15 AGENT MATA DOESN'T HAVE A PERSONAL VENDETTA AGAINST
16 MR. VEGA. HE'S NOT GONNA GET--HE'S NOT LOOKING FOR ANOTHER
17 ARREST AS A STAT. HE TOOK A SWORN OATH, AND HE TOLD YOU
18 EXACTLY WHAT HAPPENED THAT DAY. THIS DEFENDANT CONFESSED. AND
19 HE CONFESSED TO WHAT HE DID. AND YOU CAN HOLD--THAT CONFESSION
20 ALONE IS SUFFICIENT FOR YOU TO CONVICT HIM. THAT CONFESSION
21 ALONE IS SUFFICIENT FOR YOU TO CONVICT HIM.

01:03PM

22 BUT WE BROUGHT YOU MORE THAN THAT, LADIES AND
23 GENTLEMEN. BECAUSE WE UNDERSTAND THAT IT'S DIFFICULT TO DO
24 THAT RESPONSIBILITY, TO JUDGE THE CREDIBILITY OF WITNESSES. SO
25 WE BROUGHT YOU THE WITNESSES SO THAT YOU COULD THEN DETERMINE

CLOSING STATEMENT BY THE GOVERNMENT

1764

01:04PM 1 WHETHER YOU BELIEVED THEM OR NOT.

01:04PM 2 AND AFTER CLOSE ANALYSIS, LADIES AND GENTLEMEN, I
01:04PM 3 WOULD ARGUE TO YOU THAT THERE IS A LOT OF DETAIL BETWEEN WHAT
01:04PM 4 THEY TOLD YOU THAT'S COMMON. THERE'S A LOT OF COMMONALITY OF
01:04PM 5 INFORMATION AS TO WHAT THEY DID, WHAT THEY WERE INVOLVED WITH,
01:04PM 6 WHO THEY WERE INVOLVED WITH. AND I'M NOT GONNA GO OVER ALL OF
01:04PM 7 THAT, BECAUSE MS. BATSON ALREADY DID.

01:04PM 8 BUT ONCE YOU TAKE ALL OF THAT TOGETHER, PIECE IT
01:04PM 9 TOGETHER, NOT BITS AND PIECES, BUT ALL OF IT TOGETHER--ONCE YOU
01:04PM 10 PUT ALL OF THAT INFORMATION TOGETHER, APPLY THE LAW THAT THE
01:04PM 11 JUDGE HAS GIVEN YOU TO THOSE FACTS, YOU'LL REACH THE RIGHT
01:04PM 12 CONCLUSION THAT THESE DEFENDANTS ARE GUILTY OF THE OFFENSE
01:04PM 13 THAT THEY'RE CHARGED WITH.

01:04PM 14 AND THE JUDGE IS THE JUDGE OF THE LAW HERE. THERE
01:04PM 15 WERE SOME QUESTIONS TO SOME OF THE WITNESSES ABOUT, "WELL, DO
01:04PM 16 YOU THINK YOU WERE IN A PARTNERSHIP? DO YOU THINK YOU WERE
01:04PM 17 IN A CONSPIRACY?" THEIR NOTIONS OF CONSPIRACY OR WHETHER THEY
01:04PM 18 WERE IN A PARTNERSHIP OR WHETHER THEY'RE GUILTY OF THIS OR THAT
01:04PM 19 DOESN'T MATTER IN THIS COURTROOM. WHAT MATTERS IS THE LAW THAT
01:05PM 20 JUDGE SCHELL GAVE YOU TO APPLY TO THE FACTS IN THIS CASE. SO
01:05PM 21 TAKE THE LAW THAT JUDGE SCHELL GAVE YOU, APPLY IT TO THE FACTS
01:05PM 22 THAT YOU BELIEVE IN THIS CASE, AND REACH THE VERDICT THAT THESE
01:05PM 23 DEFENDANTS ARE GUILTY OF CONSPIRACY TO POSSESS WITH THE INTENT
01:05PM 24 TO DISTRIBUTE METHAMPHETAMINE.

01:05PM 25 AND HERE'S THE CHART THAT DRAWS YOU TO THAT

CLOSING STATEMENT BY THE GOVERNMENT

1765

01:05PM 1 CONCLUSION. THE GOAL IS THE DISTRIBUTION OF METHAMPHETAMINE IN
01:05PM 2 SHERMAN AND DENISON, TEXAS. THAT WAS THE GOAL THAT ALL THESE
01:05PM 3 INDIVIDUALS WERE WORKING FOR. THAT'S THE GOAL THAT THEY WERE
01:05PM 4 ACCOMPLISHING REPEATEDLY. THE DISTRIBUTION OF DRUGS--

01:05PM 5 THE COURT: MR. GONZALEZ, YOU HAVE FIVE MINUTES.

01:05PM 6 MR. GONZALEZ: THANK YOU, YOUR HONOR.

01:05PM 7 --THAT'S THE COMMON SCHEME, THAT'S THE COMMON GOAL
01:05PM 8 THAT THEY WERE ALL WORKING FOR. THAT'S WHAT THEY ALL TESTIFIED
01:05PM 9 TO, THE COMMONALITY OF INFORMATION THAT WAS PROVIDED TO YOU,
01:05PM 10 THAT THE DRUGS WERE COMING FROM MEXICO AND EVENTUALLY ARRIVE
01:05PM 11 IN SHERMAN AND DENISON. THE MONEY WOULD THEN GO BACK AND THE
01:06PM 12 PROCESS WOULD START ALL OVER AGAIN.

01:06PM 13 THAT'S IT, LADIES AND GENTLEMEN. THAT'S THE CASE.
01:06PM 14 THAT'S WHAT'S BEEN PRESENTED TO YOU. SO I ASK YOU TO
01:06PM 15 CONTEMPLATE EVERYTHING THAT WAS SAID IN HERE TODAY, THAT WAS
01:06PM 16 SAID TO YOU OVER THE WEEK AND A HALF THAT YOU'VE BEEN HERE,
01:06PM 17 EVALUATE THE CREDIBILITY OF THE WITNESSES, AND FIND THESE
01:06PM 18 DEFENDANTS GUILTY BECAUSE THEY ARE GUILTY.

01:06PM 19 THANK YOU.

01:06PM 20 THE COURT: THANK YOU, MR. GONZALEZ.

01:06PM 21 LADIES AND GENTLEMEN, YOU CAN TAKE YOUR COPY OF THE
01:06PM 22 COURT'S JURY INSTRUCTIONS WITH YOU INTO THE JURY ROOM AND BEGIN
01:06PM 23 YOUR DELIBERATIONS. IT'S A LITTLE AFTER 1:00. YOU MAY WANT
01:06PM 24 TO BREAK FOR LUNCH BEFORE YOU START. I KNOW YOU HAVEN'T HAD
01:06PM 25 LUNCH, NOR HAVE WE. SO WHAT I WOULD SUGGEST YOU DO IS GO TO

1766

01:06PM 1 THE JURY ROOM, LET THE COURT SECURITY OFFICER KNOW WHEN YOU
01:06PM 2 WOULD LIKE TO GO TO LUNCH. AND IF YOU WOULD, PLEASE, DO THAT
01:06PM 3 WITHIN THE NEXT 30 MINUTES SO THAT WE CAN ALL GO TO LUNCH.
01:07PM 4 IS AN HOUR FOR LUNCH ENOUGH TIME? OKAY. WE'LL TAKE AN HOUR
01:07PM 5 FOR LUNCH. OR DO YOU NEED AN HOUR AND 15 MINUTES? AN HOUR IS
01:07PM 6 OKAY? OKAY. WE'LL TAKE AN HOUR FOR LUNCH WHENEVER YOU DECIDE
01:07PM 7 TO GO WITHIN THE NEXT 30 MINUTES.

01:07PM 8 YOU CAN TAKE THE INSTRUCTIONS WITH YOU.

01:07PM 9 ALSO, I WANT TO THANK OUR ALTERNATE JURORS,
01:07PM 10 MS. PEARSON AND MR. BAUER. THANK YOU VERY MUCH FOR YOUR
01:07PM 11 SERVICE HERE. OCCASIONALLY ALTERNATE JURORS ARE NEEDED TO
01:07PM 12 BE SEATED ON THE JURY THAT WILL ACTUALLY DELIBERATE. IN THIS
01:07PM 13 CASE, HOWEVER, ALL 12 OF THE FIRST--ALL OF THE FIRST 12 JURORS
01:07PM 14 ARE READY TO DELIBERATE. SO I'LL EXCUSE YOU AT THIS TIME WITH
01:07PM 15 MY THANKS. YOU WILL BE PAID FOR EVERY DAY OF JURY SERVICE.
01:07PM 16 I WOULD ASK THAT YOU NOT DISCUSS THIS CASE WITH ANYONE ELSE
01:07PM 17 UNTIL AFTER THIS JURY HAS RETURNED A VERDICT. IF THIS JURY
01:07PM 18 DELIBERATES TODAY AND PERHAPS TOMORROW AND SOMEONE SHOULD HAVE
01:07PM 19 TO BE EXCUSED FOR ILLNESS OR SOMETHING, THEN YOU MAY GET A CALL
01:08PM 20 ASKING YOU TO COME BACK AND TAKE A PLACE IN THE JURY ROOM AND
01:08PM 21 DELIBERATE ON THE CASE, BECAUSE YOU'VE HEARD ALL THE EVIDENCE.
01:08PM 22 BUT IN THE MEANTIME, YOU CAN'T DISCUSS THE CASE WITH ANYONE
01:08PM 23 ELSE.

01:08PM 24 OKAY, LADIES AND GENTLEMEN. WHEN YOU DO GO TO
01:08PM 25 LUNCH, YOU CAN GO TOGETHER IF YOU WANT TO, BUT YOU CANNOT

1767

01:08PM 1 DELIBERATE ON THE CASE UNLESS ALL 12 OF YOU ARE IN THE JURY
01:08PM 2 ROOM. SO YOU CAN'T DISCUSS THE CASE UNLESS YOU ARE ALL 12 IN
01:08PM 3 THE JURY ROOM.

01:08PM 4 THANK YOU.

01:08PM 5 COURT SECURITY OFFICER: ALL RISE.

01:08PM 6 [OPEN COURT, DEFENDANTS PRESENT, JURY NOT PRESENT]

01:08PM 7 THE COURT: ALL RIGHT. WE'LL RECESS UNTIL THE JURY
01:09PM 8 COMES BACK WITH A NOTE ABOUT WHEN THEY WANT TO GO TO LUNCH.

01:09PM 9 I'M GOING TO ASK COUNSEL TO GET WITH MS. BATES HERE
01:09PM 10 SO THAT YOU CAN GO THROUGH THE LIST OF EXHIBITS AND MAKE SURE
01:09PM 11 SHE HAS AN ACCURATE LIST SO THAT SHE CAN PROVIDE THE EXHIBITS
01:09PM 12 TO THE JURY.

01:09PM 13 OKAY. THANK YOU.

01:09PM 14 [RECESS]

01:10PM 15 [ATTORNEYS PRESENT WITHOUT DEFENDANTS OR JURY]

01:10PM 16 THE COURT: FOR THE RECORD, I'M INFORMED BY THE
01:10PM 17 COURT OFFICER THAT THE JURY WANTS TO GO TO LUNCH NOW. SO
01:10PM 18 THEY'RE NOT GOING TO COME RIGHT BACK WITH A VERDICT. SO IF
01:10PM 19 YOU WILL GET WITH MS. BATES BEFORE YOU GO TO LUNCH--I'M TALKING
01:10PM 20 ABOUT COUNSEL--SO THAT SHE CAN BE READY TO GIVE THEM THE
01:10PM 21 EXHIBITS, THEN YOU GO TO LUNCH AND COME BACK REASONABLY WITHIN
01:10PM 22 AN HOUR.

01:10PM 23 [LUNCH RECESS]

03:15PM 24 [ATTORNEYS PRESENT, NO DEFENDANTS OR JURY]

03:15PM 25 THE COURT: KEEP YOUR SEATS.

1768

03:15PM 1 WE HAVE A VERDICT.

03:17PM 2 [OPEN COURT, DEFENDANTS PRESENT, JURY NOT PRESENT]

03:18PM 3 THE COURT: OKAY. FOR THE RECORD, THE DEFENDANTS

03:18PM 4 ARE NOW IN THE COURTROOM, ALL COUNSEL ARE HERE.

03:18PM 5 THE JURY RETURNED A VERDICT ABOUT SEVEN MINUTES AGO.

03:18PM 6 SO I THINK WE'RE READY TO BRING IN THE JURY.

03:18PM 7 ALL RIGHT, MR. WESTBERG.

03:18PM 8 COURT SECURITY OFFICER: ALL RISE.

03:19PM 9 [OPEN COURT, DEFENDANTS AND JURY PRESENT]

03:19PM 10 THE COURT: PLEASE BE SEATED.

03:19PM 11 MR. HILL, HAS THE JURY REACHED A UNANIMOUS VERDICT?

03:19PM 12 JURY FOREMAN: WE HAVE.

03:19PM 13 THE COURT: DO YOU HAVE THE VERDICT FORM? WOULD YOU

03:19PM 14 HAND IT TO THE COURT OFFICER.

03:20PM 15 ALL RIGHT, LADIES AND GENTLEMEN. I'M GOING TO READ

03:20PM 16 YOUR VERDICT ALOUD IN OPEN COURT.

03:20PM 17 "AS TO COUNT 1 OF THE SECOND SUPERSEDING INDICTMENT,

03:20PM 18 WE, THE JURY, FIND RENE CORTEZ SALAZAR GUILTY."

03:20PM 19 THE JURY ANSWERED THE QUESTION ABOUT DRUG QUANTITY

03:20PM 20 BY CHECKING THE LINE NEXT TO THE QUANTITY "500 GRAMS OR MORE

03:20PM 21 OF A MIXTURE OR SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF

03:20PM 22 METHAMPHETAMINE OR 50 GRAMS OR MORE OF ACTUAL METHAMPHETAMINE."

03:21PM 23 "AS TO COUNT 1 OF THE SECOND SUPERSEDING INDICTMENT,

03:21PM 24 WE, THE JURY, FIND TIMOTHY LEDON BOWEN GUILTY."

03:21PM 25 THE QUANTITY OF METHAMPHETAMINE CHOSEN BY THE JURY

1769

03:21PM 1 IS "500 GRAMS OR MORE OF A MIXTURE OR SUBSTANCE CONTAINING A
03:21PM 2 DETECTABLE AMOUNT OF METHAMPHETAMINE OR 50 GRAMS OR MORE OF
03:21PM 3 ACTUAL METHAMPHETAMINE."

03:21PM 4 AND FINALLY, "AS TO COUNT 1 OF THE SECOND
03:21PM 5 SUPERSEDING INDICTMENT, WE, THE JURY, FIND JUAN CARLOS VEGA
03:21PM 6 GUILTY."

03:21PM 7 THE QUANTITY OF METHAMPHETAMINE ATTRIBUTABLE TO
03:21PM 8 MR. VEGA IS "500 GRAMS OR MORE OF A MIXTURE OR SUBSTANCE
03:21PM 9 CONTAINING A DETECTABLE AMOUNT OF METHAMPHETAMINE OR 50 GRAMS
03:21PM 10 OR MORE OF ACTUAL METHAMPHETAMINE."

03:21PM 11 DOES EITHER SIDE REQUEST A POLLING OF THE JURY?

03:21PM 12 MR. WHALEN: YES, SIR.

03:21PM 13 THE COURT: OKAY.

03:21PM 14 LADIES AND GENTLEMEN, BY "POLLING," I JUST NEED TO
03:21PM 15 DETERMINE WHETHER OR NOT THE VERDICT THAT I JUST READ IS THE
03:22PM 16 VERDICT THAT EACH OF YOU INDIVIDUALLY VOTED FOR. SO IF WHAT
03:22PM 17 I JUST READ IS WHAT YOU VOTED FOR, WOULD YOU PLEASE STAND.

03:22PM 18 ALL RIGHT. FOR THE RECORD, ALL 12 JURORS ARE
03:22PM 19 STANDING. THANK YOU. YOU MAY BE SEATED.

03:22PM 20 ALL RIGHT, LADIES AND GENTLEMEN, THAT CONCLUDES YOUR
03:22PM 21 JURY SERVICE IN THIS CASE. I WANT TO THANK YOU FOR YOUR TIME
03:22PM 22 AND YOUR ATTENTION TO THIS CASE, AND YOUR SERVICE HERE FOR THE
03:22PM 23 LAST WEEK AND A HALF.

03:22PM 24 YOU WILL, OF COURSE, BE PAID FOR EACH DAY OF JURY
03:22PM 25 SERVICE. I HAVE NOTES HERE TO GIVE TO YOU FOR YOUR EMPLOYER,

1770

03:22PM 1 IF YOU NEED IT. ALSO, IT GIVES YOU INFORMATION ABOUT THE DAYS
03:22PM 2 OF SERVICE AND THE ATTENDANCE FEES THAT YOU'LL BE PAID, AND
03:22PM 3 MILEAGE AND SO FORTH. SO I'LL DELIVER THAT TO YOU.

03:22PM 4 I'VE PREVIOUSLY ASKED YOU NOT TO DISCUSS THIS CASE
03:22PM 5 WITH OTHERS, SUCH AS FAMILY MEMBERS OR FRIENDS OR NEIGHBORS.
03:23PM 6 YOU ARE RELEASED FROM THAT INSTRUCTION. YOU CAN DISCUSS THE
03:23PM 7 CASE WITH ANYONE YOU WANT TO OR NOT DISCUSS THE CASE. THAT'S
03:23PM 8 PURELY UP TO YOU.

03:23PM 9 I HOPE THAT YOU'VE FOUND YOUR JURY SERVICE TO BE
03:23PM 10 INTERESTING. IF YOU ARE INTERESTED IN THE SENTENCING ON THIS
03:23PM 11 CASE, YOU CAN CHECK BACK WITH MY OFFICE PROBABLY IN ABOUT THREE
03:23PM 12 MONTHS. IT TAKES A WHILE FOR THE PRESENTENCE REPORTS TO BE
03:23PM 13 PREPARED AND THEN FOR ME TO SCHEDULE THE DEFENDANTS FOR
03:23PM 14 SENTENCING. THIS CASE INVOLVED 34 CODEFENDANTS, AND SO I HAVE
03:23PM 15 A LOT--AND MOST OF THEM, AS YOU KNOW, ENTERED PLEAS OF GUILTY.
03:23PM 16 SO I HAVE A LOT OF SENTENCING HEARINGS TO CONDUCT ON JUST THIS
03:23PM 17 CASE.

03:23PM 18 BUT WHAT WILL HAPPEN IS A PROBATION OFFICER WILL
03:23PM 19 PREPARE A PRESENTENCE REPORT. THAT WILL GIVE ME INFORMATION
03:24PM 20 NOT ONLY ABOUT THE FACTS OF THE CASE--AND I'VE LEARNED THE
03:24PM 21 FACTS AS WE'VE HAD THE TRIAL, BUT IT WILL ALSO GIVE ME
03:24PM 22 BACKGROUND INFORMATION ON EACH OF THE THREE INDIVIDUALS HERE.
03:24PM 23 AND SO FROM THAT INFORMATION THERE ARE CALCULATIONS THAT ARE
03:24PM 24 MADE UNDER THE U.S. SENTENCING GUIDELINES. AND ONCE THAT'S
03:24PM 25 DONE, THEN I'LL SET THE CASE--OR EACH DEFENDANT FOR SENTENCING.

1771

03:24PM 1 I'M GOING TO ASK YOU NOW TO GO WITH THE COURT
03:24PM 2 OFFICER BACK TO THE JURY ROOM. I WANT TO COME BACK THERE AND
03:24PM 3 ANSWER A QUESTION THAT YOU SENT TO ME EARLIER AND ALSO EXPLAIN
03:24PM 4 TO YOU WHAT WE WERE DOING YESTERDAY FOR AN HOUR AND 45 MINUTES
03:24PM 5 WHILE YOU WERE WAITING. AND THEN IF YOU HAVE ANY QUESTIONS FOR
03:24PM 6 ME, I'LL ANSWER THEM.

03:24PM 7 IF YOU WANT TO TALK TO THE LAWYERS, YOU CAN TELL ME,
03:24PM 8 AND WHEN I COME BACK OUT I'LL ASK THEM TO STEP IN AND VISIT
03:24PM 9 WITH YOU.

03:24PM 10 OKAY. WOULD YOU GO WITH MR. WESTBERG.

03:25PM 11 COURT SECURITY OFFICER: ALL RISE.

03:25PM 12 [OPEN COURT, DEFENDANTS PRESENT, JURY NOT PRESENT]

03:25PM 13 THE COURT: ALL RIGHT. YOU CAN BE SEATED.

03:25PM 14 MR. GONZALEZ: YOUR HONOR, AT THIS TIME THE
03:25PM 15 GOVERNMENT WOULD MAKE A MOTION TO SUBSTITUTE PHOTOS FOR
03:25PM 16 THE PHYSICAL EXHIBITS FOR THE PURPOSES OF THE RECORD.

03:25PM 17 THE COURT: OKAY. DO YOU HAVE A LIST OF THOSE
03:25PM 18 EXHIBITS? OR JUST ANY PHYSICAL EXHIBIT?

03:25PM 19 MR. GONZALEZ: I DON'T HAVE A LIST, YOUR HONOR.
03:25PM 20 ANY PHYSICAL EXHIBIT THAT WAS OFFERED INTO EVIDENCE WE HAVE
03:25PM 21 A PHOTOGRAPH OF, TO INCLUDE THE DRUGS.

03:25PM 22 THE COURT: LIKE DRUGS AND SCALES AND--

03:25PM 23 MR. GONZALEZ: YES, SIR. POTS AND PANS AND ALL
03:25PM 24 THAT.

03:26PM 25 THE COURT: OKAY.

1772

03:26PM 1 ANY OBJECTION?

03:26PM 2 MR. WHALEN: NO OBJECTION, YOUR HONOR.

03:26PM 3 MR. KEMP: NO OBJECTION.

03:26PM 4 MR. PETRAZIO: NO OBJECTION.

03:26PM 5 THE COURT: OKAY.

03:26PM 6 THE GOVERNMENT'S MOTION IS GRANTED.

03:26PM 7 MR. SALAZAR, MR. VEGA AND MR. BOWEN, I'M GOING TO
03:26PM 8 REMAND YOU TO THE CUSTODY OF THE MARSHAL. AS SOON AS YOUR
03:26PM 9 PRESENTENCE REPORTS ARE COMPLETED IN YOUR CASES, I WILL SET
03:26PM 10 YOU FOR SENTENCING.

03:26PM 11 IS THERE ANYTHING FURTHER, MR. GONZALEZ?

03:26PM 12 MR. GONZALEZ: NO, YOUR HONOR.

03:26PM 13 THE COURT: MR. WHALEN?

03:26PM 14 MR. WHALEN: NO, YOUR HONOR.

03:26PM 15 THE COURT: MR. KEMP?

03:26PM 16 MR. KEMP: NOT AT THIS TIME.

03:26PM 17 THE COURT: MR. PETRAZIO?

03:26PM 18 MR. PETRAZIO: NO, YOUR HONOR.

03:26PM 19 THE COURT: OKAY. WE WILL RECESS ON THIS CASE.

20 THANK YOU.

21 [END OF TRIAL]

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23

24

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1773

COURT REPORTER'S CERTIFICATE

I CERTIFY THAT PAGES 1627 THROUGH 1804 CONTAIN A CORRECT
TRANSCRIPT FROM THE RECORD OF PROCEEDINGS.

MAY 23, 2014.



JERRY KELLEY, CRR

OFFICIAL COURT REPORTER

U.S. COURTHOUSE

7940 PRESTON ROAD

PLANO, TEXAS 75024

214-872-4829

1774

TABLE OF CONTENTS

JURY INSTRUCTIONS	1633
CLOSING STATEMENT ON BEHALF OF THE GOVERNMENT	1651
CLOSING STATEMENT ON BEHALF OF THE DEFENDANT RENE SALAZAR	1691
CLOSING STATEMENT ON BEHALF OF DEFENDANT BOWEN	1711
CLOSING STATEMENT ON BEHALF OF THE DEFENDANT JUAN CARLOS VEGA	1727
CLOSING STATEMENT ON BEHALF OF THE GOVERNMENT	1743
GOVERNMENT'S EXHIBIT 6	1700
GOVERNMENT'S EXHIBIT 6	1708
GOVERNMENT'S EXHIBIT 52	1643
GOVERNMENT'S EXHIBIT 53	1643

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1775

#	1708:6 16 [1] - 1701:20 1627 [2] - 1627:13, 1773:3 1633 [1] - 1774:3 1643 [2] - 1774:14, 1774:15 1651 [1] - 1774:4 1691 [1] - 1774:5 1700 [1] - 1774:12 1708 [1] - 1774:13 1711 [1] - 1774:7 1727 [1] - 1774:8 1743 [1] - 1774:10 1774 [1] - 1627:15 1775 [1] - 1627:17 18 [1] - 1675:1 1996 [2] - 1708:19 1:00 [1] - 1765:23	1664:3, 1664:4, 1694:8, 1699:7, 1700:13, 1709:12, 1717:8, 1732:1, 1742:13, 1742:15 20121212 [1] - 1628:1 2014 [1] - 1773:5 21 [3] - 1645:4, 1645:5, 1645:7 214-368-2560 [1] - 1628:23 214-872-4829 [1] - 1773:13 22 [1] - 1671:19 23 [1] - 1773:5 24 [1] - 1736:24 25 [1] - 1631:10 26 [1] - 1749:16 27 [2] - 1697:13, 1749:16 28 [1] - 1749:15 29 [3] - 1693:11, 1693:21, 1727:23	1645:1, 1650:21, 1652:10, 1751:18, 1761:20, 1768:20, 1769:1, 1769:8 52 [2] - 1643:23, 1774:14 53 [2] - 1643:19, 1774:15 5700 [1] - 1629:4 58 [5] - 1660:15, 1660:18, 1660:21, 1699:2, 1699:11	ABSOLUTELY [2] - 1733:20, 1747:12 ABUSED [2] - 1733:10, 1733:11 ACCEPT [4] - 1636:16, 1640:1, 1640:3, 1720:17 ACCEPTED [1] - 1634:2 ACCESS [1] - 1658:7 ACCIDENT [2] - 1643:16, 1647:10 ACCOMPLICE [5] - 1638:15, 1638:22, 1638:24, 1726:11, 1740:17 ACCOMPLICE/ CODEFENDANT [1] - 1740:12 ACCOMPLICES [3] - 1638:7, 1690:23, 1691:1 ACCOMPLISH [1] - 1646:4 ACCOMPLISHING [2] - 1646:23, 1765:4 ACCORD [6] - 1655:19, 1655:22, 1682:2, 1689:3, 1689:4, 1735:15 ACCORDING [1] - 1643:14 ACCOUNTABLE [3] - 1753:18, 1761:7, 1761:16 ACCURACY [1] - 1637:16 ACCURATE [3] - 1636:17, 1709:23, 1767:11 ACKNOWLEDGES [3] - 1688:10, 1745:6, 1750:20 ACQUIRING [1] - 1751:10 ACQUIT [1] - 1634:13 ACT [7] - 1634:24, 1640:18, 1647:5, 1647:8, 1721:2, 1726:5, 1727:5 ACTED [1] - 1643:14 ACTING [1] - 1731:20 ACTION [1] - 1727:25 ACTIONS [3] - 1689:12, 1689:18, 1761:9 ACTIVITIES [2] - 1688:13, 1689:12 ACTIVITY [2] - 1714:22, 1730:25
\$				
\$1,050 [1] - 1658:23 \$1100 [1] - 1680:13 \$1400 [1] - 1664:15 \$15,000 [1] - 1747:20 \$25 [1] - 1705:5 \$30,000 [7] - 1688:15, 1745:7, 1745:9, 1745:13, 1745:14, 1746:3 \$500 [3] - 1664:21, 1704:22, 1704:23 \$900 [3] - 1658:21, 1680:14, 1733:17				
'	2			
'11 [1] - 1676:22 'SOMETHING' [2] - 1724:21, 1724:22	2 [1] - 1700:16 20 [5] - 1631:1, 1631:6, 1656:7, 1657:11, 1675:1 200 [1] - 1629:4 2001 [1] - 1674:7 2008 [3] - 1640:9, 1694:8, 1736:11 2010 [10] - 1656:7, 1658:14, 1664:18, 1671:22, 1676:15, 1676:21, 1676:23, 1699:6, 1718:8, 1719:5 2011 [43] - 1656:7, 1657:19, 1660:25, 1661:8, 1663:1, 1665:22, 1666:3, 1667:20, 1672:2, 1676:24, 1678:17, 1680:25, 1694:5, 1694:6, 1701:9, 1702:19, 1703:23, 1704:12, 1705:3, 1705:6, 1705:11, 1705:12, 1705:17, 1707:3, 1708:6, 1709:8, 1717:7, 1718:6, 1718:11, 1718:12, 1719:8, 1719:9, 1719:10, 1719:13, 1719:16, 1719:18, 1719:21, 1721:14, 1721:16, 1722:7, 1723:5, 1723:8, 1723:9 2012 [13] - 1627:7, 1628:2, 1640:10,			
0		3		
000 [2] - 1627:13, 1773:3		3 [1] - 1761:23 30 [6] - 1631:15, 1631:23, 1656:7, 1666:23, 1766:3, 1766:7 324-MONTH [1] - 1697:13 34 [3] - 1752:4, 1752:5, 1770:14	6 6 [4] - 1700:16, 1708:12, 1774:12, 1774:13 6500 [1] - 1628:21	
1		4	7	
1 [6] - 1644:21, 1650:2, 1650:18, 1768:17, 1768:23, 1769:4 10 [4] - 1661:22, 1662:22, 1710:16, 1720:15 10,000 [1] - 1685:12 10-MINUTE [1] - 1710:13 100 [1] - 1757:8 101 [1] - 1628:9 106 [1] - 1628:15 10TH [1] - 1678:19 11 [1] - 1761:3 112 [1] - 1659:8 12 [8] - 1627:7, 1628:2, 1666:13, 1766:13, 1767:1, 1767:2, 1769:18 12TH [4] - 1640:10, 1695:23, 1736:12, 1742:15 15 [4] - 1676:12, 1708:19, 1710:17, 1766:5 15TH [2] - 1705:12,		4 [1] - 1761:23 406 [1] - 1628:15 43.5 [1] - 1660:21 45 [10] - 1630:14, 1630:15, 1630:17, 1630:18, 1631:19, 1632:18, 1632:20, 1632:22, 1671:18, 1771:4 469-223-7821 [1] - 1628:17 4:12CR16 [1] - 1627:6	7 [2] - 1627:13 7,000 [1] - 1688:17 7.5 [1] - 1755:10 75 [2] - 1685:14, 1703:5 75024 [2] - 1629:5, 1773:12 75074 [1] - 1628:10 75093 [1] - 1628:22 76240 [1] - 1628:16 7940 [1] - 1773:11	
		5	8	
		50 [8] - 1645:3, 1650:22, 1650:24, 1651:2, 1652:11, 1768:22, 1769:2, 1769:9 50/50 [1] - 1663:17 500 [9] - 1628:9,	80 [3] - 1652:13, 1683:23, 1705:24 841(A)(1) [1] - 1645:5 846 [2] - 1645:6, 1645:7	
			9	
			9 [2] - 1627:7, 1628:1 9,000 [1] - 1685:13 972-509-1201 [1] - 1628:11 972-965-1016 [1] - 1629:6 9TH [4] - 1731:6, 1731:25, 1736:13, 1742:13	
			A	
			ABILITY [4] - 1637:11, 1694:16, 1710:7, 1725:10 ABLE [1] - 1677:25	

<p>ACTS [8] - 1642:22, 1643:1, 1643:6, 1643:7, 1643:13, 1643:15, 1643:17, 1689:18</p> <p>ACTUAL [19] - 1636:8, 1645:4, 1645:16, 1645:25, 1647:12, 1647:14, 1647:16, 1647:22, 1647:23, 1648:2, 1650:23, 1651:1, 1651:11, 1651:17, 1652:12, 1710:5, 1768:22, 1769:3, 1769:10</p> <p>AD [3] - 1690:13, 1724:9, 1756:24</p> <p>ADDICT [3] - 1707:13, 1722:10</p> <p>ADDICTED [3] - 1720:17, 1726:7, 1726:23</p> <p>ADDICTION [3] - 1666:14, 1749:19, 1758:8</p> <p>ADDICTIONS [1] - 1758:16</p> <p>ADDICTIVE [2] - 1639:2, 1726:13</p> <p>ADDICTS [1] - 1749:25</p> <p>ADDING [2] - 1749:20, 1749:21</p> <p>ADDRESS [1] - 1737:2</p> <p>ADEQUATE [1] - 1642:5</p> <p>ADMINISTRATION [3] - 1639:11, 1639:12, 1639:13</p> <p>ADMISSIBLE [1] - 1635:17</p> <p>ADMISSION [3] - 1688:10, 1689:20, 1753:7</p> <p>ADMIT [2] - 1735:6, 1762:22</p> <p>ADMITS [2] - 1697:14, 1700:5</p> <p>ADMITTED [14] - 1643:25, 1667:24, 1688:12, 1689:5, 1689:8, 1700:17, 1702:9, 1720:14, 1722:10, 1734:1, 1735:1, 1739:23, 1744:24, 1749:8</p> <p>ADMITTEDLY [1] - 1732:6</p> <p>ADMITTING [2] - 1745:14, 1745:15</p>	<p>ADULT [2] - 1697:15, 1709:15</p> <p>ADVANCE [1] - 1692:1</p> <p>ADVANCES [2] - 1647:5, 1694:22</p> <p>ADVANTAGE [1] - 1734:1</p> <p>AFFAIR [2] - 1726:18, 1733:9</p> <p>AFFAIRS [2] - 1634:25, 1726:6</p> <p>AFFECTED [1] - 1721:22</p> <p>AFTERWARDS [3] - 1713:7, 1713:8, 1713:17</p> <p>AGE [1] - 1641:14</p> <p>AGENCIES [1] - 1694:6</p> <p>AGENT [45] - 1646:6, 1654:20, 1681:3, 1681:7, 1681:14, 1681:19, 1681:23, 1682:4, 1682:7, 1682:25, 1684:3, 1688:5, 1688:10, 1688:20, 1689:1, 1689:20, 1694:2, 1694:14, 1694:15, 1717:14, 1732:10, 1732:17, 1737:7, 1737:9, 1738:8, 1738:17, 1739:9, 1740:23, 1742:9, 1744:24, 1744:25, 1745:3, 1745:7, 1747:18, 1751:6, 1752:3, 1753:3, 1754:3, 1757:11, 1761:4, 1761:8, 1763:15</p> <p>AGENTS [5] - 1689:7, 1722:13, 1737:25, 1751:7, 1761:15</p> <p>AGO [5] - 1722:12, 1727:23, 1759:2, 1759:3, 1768:5</p> <p>AGREE [3] - 1644:24, 1648:9, 1651:6</p> <p>AGREED [6] - 1630:14, 1646:20, 1669:14, 1670:21, 1673:3, 1684:4</p> <p>AGREEMENT [37] - 1638:16, 1645:15, 1645:20, 1645:21, 1646:3, 1646:16, 1648:13, 1699:14, 1709:6, 1712:2,</p>	<p>1712:3, 1712:5, 1712:20, 1713:4, 1713:12, 1713:13, 1713:18, 1714:5, 1721:5, 1721:10, 1724:15, 1740:5, 1740:8, 1740:12, 1743:9, 1754:15, 1754:16, 1754:17, 1754:18, 1754:25, 1755:1, 1755:2, 1755:4, 1755:13, 1755:14, 1757:20</p> <p>AGREEMENTS [14] - 1638:9, 1690:12, 1690:13, 1699:8, 1721:5, 1724:5, 1724:7, 1724:9, 1726:8, 1750:1, 1750:20, 1755:5, 1756:24, 1758:2</p> <p>AGREES [2] - 1685:5, 1688:9</p> <p>AHEAD [1] - 1739:2</p> <p>AID [1] - 1644:3</p> <p>AIDED [1] - 1627:25</p> <p>AIDING [1] - 1644:1</p> <p>AIMS [2] - 1647:2, 1693:7</p> <p>AL [1] - 1627:8</p> <p>ALLEGATION [1] - 1696:15</p> <p>ALLEGED [16] - 1638:7, 1638:15, 1638:22, 1640:18, 1641:8, 1641:24, 1644:17, 1646:9, 1646:15, 1646:19, 1646:21, 1646:22, 1695:19, 1706:9, 1726:11, 1740:16</p> <p>ALLEGEDLY [1] - 1643:7</p> <p>ALLEGES [1] - 1694:7</p> <p>ALLEN [1] - 1676:16</p> <p>ALLOWED [1] - 1702:1</p> <p>ALONE [14] - 1638:18, 1647:22, 1648:3, 1690:24, 1699:4, 1729:19, 1729:21, 1729:25, 1730:16, 1735:17, 1750:3, 1761:25, 1763:20, 1763:21</p> <p>ALOUD [1] - 1768:16</p> <p>ALSTYNE [3] - 1659:6, 1665:15, 1671:12</p> <p>ALTERNATE [2] -</p>	<p>1766:9, 1766:11</p> <p>AMANDA [4] - 1661:5, 1661:7, 1701:8, 1701:9</p> <p>AMASSED [1] - 1694:24</p> <p>AMERICA [1] - 1627:6</p> <p>AMERICAN [1] - 1686:20</p> <p>AMOUNT [14] - 1645:3, 1645:17, 1646:1, 1650:22, 1650:25, 1651:3, 1671:15, 1694:10, 1694:11, 1699:4, 1701:22, 1768:21, 1769:2, 1769:9</p> <p>AMOUNTS [8] - 1657:9, 1659:1, 1659:5, 1659:7, 1662:3, 1672:12, 1698:20, 1755:22</p> <p>AMPLE [3] - 1703:4, 1704:6, 1759:12</p> <p>ANALOGY [2] - 1725:2, 1726:19</p> <p>ANALYSIS [2] - 1635:10, 1764:2</p> <p>ANDREA [31] - 1653:14, 1659:18, 1663:15, 1664:9, 1664:10, 1665:6, 1665:8, 1665:19, 1666:1, 1667:11, 1667:16, 1667:17, 1668:22, 1668:24, 1671:8, 1672:15, 1672:20, 1677:11, 1697:25, 1700:5, 1700:7, 1700:18, 1707:4, 1707:5, 1707:12, 1708:5, 1708:12, 1717:16, 1723:9, 1723:11</p> <p>ANDY [53] - 1652:22, 1653:2, 1653:4, 1654:6, 1654:17, 1654:25, 1655:5, 1655:9, 1655:10, 1655:12, 1655:13, 1655:14, 1655:17, 1655:22, 1655:25, 1656:1, 1656:5, 1656:10, 1656:11, 1656:13, 1657:16, 1657:18, 1657:19, 1657:21, 1658:14, 1658:18, 1658:21, 1663:4, 1663:5, 1663:7, 1663:8,</p>	<p>1664:4, 1664:13, 1681:7, 1681:15, 1681:18, 1681:22, 1681:23, 1685:24, 1686:17, 1695:21, 1695:22, 1697:7, 1697:12, 1697:21, 1735:9, 1748:11, 1748:15, 1759:23, 1762:23, 1762:25</p> <p>ANDY'S [3] - 1655:15, 1657:22, 1658:4</p> <p>ANGRY [1] - 1684:15</p> <p>ANKLE [3] - 1663:12, 1671:13, 1671:15</p> <p>ANSWER [9] - 1635:16, 1637:12, 1649:6, 1649:13, 1650:19, 1651:15, 1713:20, 1771:3, 1771:6</p> <p>ANSWERED [1] - 1768:19</p> <p>ANSWERS [4] - 1649:22, 1738:8, 1738:18, 1740:25</p> <p>ANTICIPATE [2] - 1631:15, 1689:21</p> <p>APART [3] - 1704:18, 1712:9, 1743:6</p> <p>APARTMENT [13] - 1654:15, 1657:20, 1658:7, 1665:24, 1682:21, 1684:23, 1684:25, 1685:1, 1686:22, 1689:7, 1695:23, 1696:16, 1762:23</p> <p>APPARENT [2] - 1744:5, 1761:18</p> <p>APPEARANCES [1] - 1628:4</p> <p>APPLICABLE [1] - 1650:11</p> <p>APPLICATION [1] - 1750:23</p> <p>APPLIES [1] - 1725:18</p> <p>APPLY [12] - 1633:7, 1633:10, 1633:23, 1711:10, 1745:24, 1745:25, 1751:3, 1751:4, 1759:1, 1764:10, 1764:20, 1764:21</p> <p>APPRECIATE [2] - 1631:16, 1652:7</p> <p>APPROACHED [2] - 1658:14, 1658:16</p> <p>APPROACHES [1] - 1669:12</p>
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TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1777

<p>APPROACHING [1] - 1762:18</p> <p>APPROVED [1] - 1638:13</p> <p>APRIL [8] - 1640:10, 1694:8, 1731:6, 1731:25, 1736:12, 1736:13, 1742:13, 1742:15</p> <p>AREA [9] - 1652:21, 1662:24, 1681:9, 1690:5, 1698:6, 1698:18, 1703:5, 1703:8, 1713:14</p> <p>AREAS [2] - 1661:17, 1663:3</p> <p>ARGUE [11] - 1632:19, 1689:23, 1689:24, 1709:10, 1738:24, 1754:15, 1755:14, 1755:15, 1760:4, 1761:23, 1764:3</p> <p>ARGUES [5] - 1748:15, 1750:8, 1752:19, 1752:22, 1755:18</p> <p>ARGUING [4] - 1738:13, 1752:20, 1753:8, 1761:6</p> <p>ARGUMENT [13] - 1632:17, 1690:6, 1690:11, 1707:22, 1738:17, 1738:20, 1738:24, 1747:23, 1748:6, 1751:12, 1751:25, 1762:14</p> <p>ARGUMENTS [12] - 1630:11, 1630:12, 1632:9, 1632:12, 1632:14, 1635:5, 1651:20, 1692:4, 1692:6, 1693:22, 1710:12</p> <p>ARRANGEMENT [1] - 1667:6</p> <p>ARRANGEMENTS [1] - 1686:11</p> <p>ARREST [8] - 1661:15, 1699:7, 1704:18, 1705:3, 1731:19, 1737:3, 1742:11, 1763:17</p> <p>ARRESTED [45] - 1662:2, 1669:3, 1671:2, 1671:6, 1671:20, 1672:10, 1676:23, 1676:24, 1678:16, 1684:4, 1687:8, 1689:10, 1689:13, 1695:9,</p>	<p>1696:14, 1699:12, 1700:10, 1700:12, 1700:13, 1700:20, 1701:1, 1701:4, 1702:18, 1705:2, 1705:6, 1705:11, 1705:12, 1713:25, 1718:8, 1731:4, 1731:5, 1731:6, 1731:18, 1732:2, 1732:11, 1732:15, 1732:16, 1732:18, 1736:15, 1736:16, 1737:5, 1738:3, 1738:10, 1742:13, 1752:8</p> <p>ARRESTEE [2] - 1731:17, 1731:19</p> <p>ARRESTS [1] - 1752:9</p> <p>ARRIVE [1] - 1765:10</p> <p>ARRIVING [2] - 1633:7, 1635:22</p> <p>ASIAN [1] - 1685:23</p> <p>ASKEW [3] - 1664:11, 1668:13, 1700:19</p> <p>ASSEMBLED [2] - 1647:2, 1693:7</p> <p>ASSERTS [1] - 1636:8</p> <p>ASSESSMENT [1] - 1642:3</p> <p>ASSETS [1] - 1748:16</p> <p>ASSIST [2] - 1639:21, 1681:5</p> <p>ASSISTANT [1] - 1628:7</p> <p>ASSISTED [1] - 1688:13</p> <p>ASSOCIATED [2] - 1647:1, 1693:6</p> <p>ASSOCIATION [1] - 1712:5</p> <p>ASSUME [2] - 1635:18, 1728:17</p> <p>ASSUMING [1] - 1719:10</p> <p>ATHLETES [1] - 1748:20</p> <p>ATTEMPT [2] - 1728:13, 1753:16</p> <p>ATTENDANCE [1] - 1770:2</p> <p>ATTENTION [7] - 1633:20, 1635:8, 1638:3, 1652:5, 1691:23, 1696:6, 1769:22</p> <p>ATTENTIVENESS [1] - 1691:22</p> <p>ATTORNEY [4] - 1628:14, 1628:20,</p>	<p>1629:3, 1753:7</p> <p>ATTORNEY'S [1] - 1628:8</p> <p>ATTORNEYS [3] - 1628:7, 1767:15, 1767:24</p> <p>ATTRIBUTABLE [5] - 1651:15, 1710:6, 1751:8, 1751:16, 1769:7</p> <p>ATTRIBUTE [1] - 1761:21</p> <p>ATTRIBUTED [1] - 1650:14</p> <p>AUDIO [2] - 1687:10, 1694:17</p> <p>AUGUST [10] - 1676:15, 1704:12, 1705:12, 1705:20, 1707:3, 1708:6, 1719:18, 1723:8, 1723:9</p> <p>AUGUSTINE [2] - 1654:10, 1658:5</p> <p>AUNT [1] - 1736:4</p> <p>AVAILABLE [4] - 1684:7, 1694:22, 1730:21, 1754:4</p> <p>AVENUE [1] - 1628:15</p> <p>AVINA [8] - 1732:1, 1733:11, 1733:12, 1733:17, 1736:1, 1736:3, 1736:6, 1736:14</p> <p>AWARE [4] - 1668:9, 1723:11, 1732:7, 1732:8</p>	<p>1698:1</p> <p>BARGAINING [2] - 1638:12, 1690:25</p> <p>BAROMETER [1] - 1757:15</p> <p>BASE [3] - 1633:25, 1700:11, 1700:21</p> <p>BASED [8] - 1634:19, 1635:16, 1644:8, 1695:15, 1726:1, 1727:5, 1745:19, 1752:15</p> <p>BASIC [1] - 1693:3</p> <p>BASIS [1] - 1722:9</p> <p>BASKET [7] - 1678:19, 1678:22, 1684:2, 1686:21, 1686:25, 1688:21, 1688:23</p> <p>BASKETBALLS [1] - 1744:14</p> <p>BATES [2] - 1767:9, 1767:19</p> <p>BATSON [20] - 1628:6, 1630:12, 1630:13, 1630:18, 1630:21, 1630:25, 1631:5, 1631:8, 1631:11, 1632:13, 1632:19, 1651:21, 1651:25, 1691:12, 1747:19, 1748:3, 1748:6, 1749:23, 1762:13, 1764:7</p> <p>BAUER [1] - 1766:10</p> <p>BEAR [1] - 1711:7</p> <p>BEAUTY [1] - 1693:20</p> <p>BECAME [3] - 1677:13, 1708:13, 1716:2</p> <p>BECOME [2] - 1646:7, 1647:6</p> <p>BECOMES [3] - 1646:6, 1751:6, 1761:4</p> <p>BEDROOM [5] - 1688:21, 1707:10, 1707:12, 1707:14, 1734:13</p> <p>BEGAN [7] - 1694:2, 1694:4, 1701:9, 1702:7, 1702:11, 1705:4, 1708:18</p> <p>BEGIN [2] - 1652:3, 1765:22</p> <p>BEGINNING [4] - 1669:24, 1699:6, 1711:17, 1737:23</p> <p>BEGINS [2] - 1704:21, 1731:23</p>	<p>BEHALF [12] - 1629:22, 1651:24, 1691:14, 1691:20, 1711:1, 1727:18, 1743:3, 1774:4, 1774:5, 1774:7, 1774:8, 1774:10</p> <p>BEHAVE [1] - 1724:18</p> <p>BEHIND [4] - 1665:24, 1669:25, 1670:12</p> <p>BELIEF [1] - 1702:4</p> <p>BELIEFS [1] - 1648:18</p> <p>BELIEVABILITY [2] - 1633:11, 1636:19</p> <p>BELIEVABLE [1] - 1723:7</p> <p>BELL [1] - 1659:11</p> <p>BELONGED [1] - 1673:13</p> <p>BELOW [1] - 1650:9</p> <p>BEN [1] - 1661:11</p> <p>BENCH [1] - 1694:25</p> <p>BENEFIT [2] - 1703:19, 1703:20</p> <p>BEST [1] - 1702:5</p> <p>BET [1] - 1731:9</p> <p>BETTER [5] - 1690:9, 1703:10, 1703:15, 1747:15, 1748:18</p> <p>BETWEEN [18] - 1636:11, 1642:15, 1646:3, 1646:17, 1657:10, 1664:13, 1701:19, 1702:3, 1714:15, 1719:1, 1731:11, 1731:13, 1731:18, 1753:4, 1755:5, 1757:7, 1764:3</p> <p>BEYOND [25] - 1634:12, 1634:16, 1634:22, 1636:14, 1638:23, 1639:8, 1640:12, 1640:16, 1643:4, 1645:13, 1648:2, 1648:24, 1650:9, 1652:15, 1692:8, 1692:9, 1692:17, 1711:19, 1725:25, 1726:3, 1726:12, 1726:15, 1740:17, 1750:3, 1750:5</p> <p>BIG [4] - 1698:22, 1718:2, 1720:9, 1728:4</p> <p>BIGGEST [2] - 1705:22, 1722:11</p> <p>BILLS [4] - 1667:5, 1667:10, 1667:12,</p>
B				
<p>BABY [1] - 1678:14</p> <p>BACKGROUND [1] - 1770:22</p> <p>BACON [2] - 1759:17, 1759:18</p> <p>BAD [6] - 1718:14, 1718:17, 1726:23, 1727:2</p> <p>BADGE [1] - 1727:24</p> <p>BAGS [2] - 1666:25, 1721:25</p> <p>BALLS [11] - 1684:13, 1684:15, 1684:16, 1684:18, 1687:12, 1687:19, 1688:3, 1744:9, 1744:10, 1744:13</p> <p>BANKRUPT [1] - 1748:21</p> <p>BARBECUED [1] -</p>				

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1778

<p>1668:10 BINDING [1] - 1635:12 BIT [5] - 1679:3, 1683:8, 1692:21, 1703:9, 1721:6 BITS [2] - 1743:16, 1764:9 BLACK [17] - 1655:17, 1655:18, 1655:21, 1656:4, 1681:25, 1682:2, 1682:5, 1682:15, 1682:22, 1684:22, 1684:24, 1686:15, 1686:16, 1689:1, 1689:4, 1735:15, 1755:10 BLANCA [6] - 1732:1, 1733:10, 1733:13, 1734:10, 1734:12, 1736:14 BLANK [1] - 1734:15 BO [1] - 1661:12 BOAT [2] - 1728:7, 1728:8 BOBBY [17] - 1660:3, 1660:7, 1664:1, 1664:16, 1666:6, 1668:13, 1670:7, 1695:16, 1699:18, 1701:13, 1704:14, 1704:16, 1704:25, 1706:3, 1706:15, 1714:17, 1751:1 BOND [1] - 1702:25 BOSS [5] - 1697:12, 1735:20, 1740:3, 1741:20, 1742:21 BOTHERED [1] - 1701:23 BOTTLE [2] - 1673:17, 1675:6 BOTTOM [4] - 1675:9, 1747:12, 1755:20, 1755:22 BOUGHT [1] - 1675:16 BOULEVARD [1] - 1628:9 BOWEN [136] - 1628:18, 1629:23, 1642:23, 1643:1, 1643:5, 1643:9, 1643:11, 1643:14, 1643:15, 1644:16, 1644:22, 1651:13, 1652:9, 1653:24, 1654:1, 1662:5, 1662:6, 1662:8, 1662:9, 1662:10, 1662:12, 1662:13,</p>	<p>1662:15, 1662:19, 1662:20, 1662:23, 1670:10, 1670:11, 1670:12, 1670:15, 1670:16, 1670:18, 1670:19, 1670:20, 1672:25, 1673:2, 1673:6, 1673:8, 1673:16, 1673:20, 1673:22, 1673:23, 1673:25, 1674:3, 1674:4, 1674:6, 1674:7, 1674:9, 1674:12, 1674:19, 1674:21, 1674:23, 1674:25, 1675:4, 1675:6, 1675:13, 1675:15, 1675:18, 1675:19, 1676:1, 1677:15, 1677:21, 1677:23, 1677:24, 1678:1, 1678:2, 1678:4, 1678:10, 1678:12, 1678:13, 1678:14, 1678:15, 1678:16, 1678:20, 1678:23, 1678:24, 1678:25, 1679:2, 1679:6, 1679:7, 1679:8, 1679:9, 1679:15, 1679:21, 1679:23, 1680:8, 1680:9, 1680:15, 1680:16, 1680:19, 1680:22, 1691:9, 1702:13, 1711:1, 1711:17, 1713:15, 1714:1, 1714:2, 1714:15, 1715:11, 1715:13, 1716:13, 1716:20, 1716:21, 1717:4, 1717:14, 1717:21, 1718:1, 1718:24, 1719:1, 1719:17, 1719:19, 1719:22, 1721:6, 1721:15, 1721:18, 1723:6, 1723:16, 1723:19, 1725:19, 1725:23, 1726:22, 1754:13, 1755:5, 1760:14, 1768:24, 1772:7, 1774:7 BOWEN'S [16] - 1662:4, 1662:5, 1670:18, 1670:21, 1673:23, 1673:24, 1674:15, 1674:16, 1677:18, 1679:9, 1679:16, 1680:5, 1715:23, 1716:3,</p>	<p>1719:12, 1722:6 BOWENS [1] - 1718:24 BOX [4] - 1689:6, 1689:8, 1689:16, 1692:23 BOY [1] - 1727:24 BREAK [7] - 1710:12, 1746:12, 1746:16, 1746:21, 1746:25, 1765:24 BRENDA [2] - 1664:10, 1707:7 BRIEFLY [1] - 1694:1 BRING [18] - 1632:1, 1649:13, 1710:21, 1712:22, 1715:2, 1715:5, 1715:20, 1716:8, 1717:4, 1724:8, 1727:7, 1727:10, 1728:20, 1730:22, 1732:23, 1755:7, 1768:6 BRINGING [3] - 1671:3, 1704:15, 1761:13 BRINGS [3] - 1682:19, 1690:21, 1744:4 BRITON [12] - 1682:12, 1682:24, 1683:1, 1683:4, 1684:10, 1686:24, 1687:5, 1688:19, 1739:14, 1750:25, 1751:8, 1751:12 BROKER [1] - 1698:22 BROKERED [1] - 1699:9 BROKERING [2] - 1699:19, 1699:21 BROTHER [9] - 1663:2, 1664:2, 1670:12, 1670:15, 1673:23, 1679:9, 1679:23, 1700:23, 1729:2 BROTHER-IN-LAW [1] - 1679:23 BROTHERS [1] - 1676:7 BROUGHT [11] - 1638:3, 1655:15, 1678:25, 1680:7, 1686:2, 1716:24, 1733:24, 1756:21, 1757:19, 1763:22, 1763:25 BUILDINGS [1] - 1730:11</p>	<p>BUNCH [2] - 1714:22, 1717:12 BUNNY [2] - 1748:3, 1748:25 BURDEN [8] - 1632:11, 1633:11, 1634:11, 1634:14, 1634:15, 1692:7, 1692:11, 1692:13 BUSINESS [23] - 1659:24, 1660:2, 1660:5, 1665:2, 1665:3, 1666:17, 1668:20, 1669:8, 1672:4, 1676:9, 1679:22, 1696:7, 1702:16, 1704:2, 1730:6, 1730:10, 1735:22, 1746:19, 1747:14, 1747:15, 1756:13 BUSINESSMAN [1] - 1748:19 BUTT [1] - 1669:12 BUYER [1] - 1629:25 BUYER-SELLER [1] - 1629:25 BUYING [2] - 1655:1, 1672:21 BUYS [2] - 1694:16, 1716:1</p>	<p>1697:19, 1697:20, 1697:21, 1697:24, 1698:5, 1698:7, 1698:15, 1698:20, 1698:21, 1698:24, 1699:1, 1699:5, 1699:17, 1699:19, 1699:23, 1700:10, 1700:12, 1700:13, 1700:17, 1701:5, 1703:3, 1703:23, 1706:18, 1706:21, 1708:1, 1708:3, 1708:10, 1708:11, 1714:18, 1717:16, 1741:9, 1759:24 CAMACHO'S [5] - 1696:8, 1699:7, 1700:10, 1700:14, 1708:2 CAMERA [7] - 1694:20, 1737:13, 1737:14, 1737:18, 1737:22, 1754:6 CAMP [1] - 1727:24 CANCER [2] - 1708:21, 1709:16 CANNOT [1] - 1766:25 CANS [2] - 1673:18, 1675:9 CAPABILITY [1] - 1694:18 CAPABLE [3] - 1723:3, 1753:12, 1753:13 CAPACITY [1] - 1658:6 CAR [12] - 1655:20, 1674:12, 1735:16, 1735:18, 1735:20, 1735:22, 1735:23, 1737:17, 1737:20, 1753:2, 1762:22, 1762:24 CARD [1] - 1709:15 CARE [9] - 1630:23, 1638:20, 1639:4, 1641:10, 1667:7, 1670:22, 1718:19, 1726:10, 1740:15 CAREERS [1] - 1748:22 CAREFUL [3] - 1634:20, 1692:2, 1726:2 CAREFULLY [1] - 1691:23 CARES [1] - 1735:1 CARLOS [68] - 1629:1, 1630:4,</p>
--	---	--	--	---

C

CABRALES [5] -
1675:17, 1717:10,
1717:21, 1717:25,
1722:19
CALCULATIONS [1] -
1770:23
CAMACHO [73] -
1653:6, 1653:9,
1653:12, 1654:23,
1655:4, 1655:9,
1655:10, 1655:12,
1655:15, 1656:6,
1656:20, 1657:12,
1658:3, 1658:5,
1658:8, 1658:13,
1658:18, 1659:9,
1659:12, 1662:25,
1664:8, 1665:10,
1665:13, 1666:19,
1668:7, 1668:8,
1669:4, 1670:23,
1670:25, 1671:2,
1671:9, 1672:4,
1677:4, 1677:8,
1696:5, 1696:6,
1696:18, 1697:8,

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1779

<p>1644:17, 1644:23, 1651:14, 1652:9, 1652:25, 1654:22, 1664:7, 1673:13, 1675:17, 1681:12, 1681:16, 1683:6, 1684:5, 1684:25, 1685:4, 1685:5, 1685:17, 1686:6, 1686:10, 1686:14, 1687:12, 1687:24, 1688:6, 1688:9, 1688:10, 1689:5, 1689:8, 1689:12, 1691:9, 1722:19, 1727:18, 1730:12, 1730:17, 1731:4, 1731:11, 1732:2, 1732:3, 1732:6, 1732:14, 1732:19, 1734:21, 1735:4, 1736:7, 1736:13, 1736:19, 1737:3, 1737:7, 1738:1, 1739:9, 1739:18, 1740:9, 1740:20, 1740:23, 1741:3, 1741:6, 1741:10, 1742:4, 1742:7, 1742:10, 1742:12, 1742:16, 1747:8, 1747:11, 1769:5, 1774:9</p> <p>CARLOS'S [1] - 1673:14</p> <p>CARPENTER [1] - 1730:12</p> <p>CARPENTRY [1] - 1735:21</p> <p>CARRIED [1] - 1646:20</p> <p>CARRYING [1] - 1702:16</p> <p>CARS [8] - 1673:15, 1675:11, 1675:25, 1676:1, 1676:2, 1695:24, 1750:18, 1750:21</p> <p>CASE [99] - 1627:6, 1632:11, 1633:10, 1633:13, 1634:21, 1635:7, 1635:11, 1635:20, 1636:22, 1637:5, 1638:6, 1640:6, 1640:21, 1641:1, 1641:21, 1642:19, 1643:5, 1644:15, 1647:11, 1648:14, 1652:5, 1652:8, 1652:15,</p>	<p>1681:4, 1681:6, 1692:2, 1692:7, 1692:14, 1693:2, 1693:10, 1693:24, 1693:25, 1694:2, 1694:4, 1695:15, 1695:17, 1695:20, 1695:21, 1696:5, 1697:10, 1697:23, 1701:24, 1702:23, 1708:5, 1708:17, 1709:20, 1711:10, 1711:19, 1711:25, 1712:7, 1715:16, 1716:13, 1717:4, 1725:16, 1726:3, 1728:21, 1728:23, 1728:24, 1729:10, 1730:20, 1731:1, 1731:17, 1732:1, 1733:14, 1735:4, 1735:5, 1735:7, 1736:11, 1737:23, 1740:19, 1741:8, 1743:16, 1745:25, 1746:1, 1750:23, 1752:4, 1760:20, 1761:8, 1764:20, 1764:22, 1765:13, 1766:13, 1766:16, 1766:21, 1766:22, 1767:1, 1767:2, 1769:21, 1769:22, 1770:4, 1770:7, 1770:11, 1770:14, 1770:17, 1770:20, 1770:25, 1772:19</p> <p>CASES [4] - 1689:22, 1722:24, 1755:21, 1772:9</p> <p>CASH [1] - 1696:1</p> <p>CASING [1] - 1736:25</p> <p>CASINO [1] - 1698:1</p> <p>CAT [2] - 1692:22, 1692:23</p> <p>CAT-AND-MOUSE [1] - 1692:22</p> <p>CAUGHT [5] - 1669:3, 1720:5, 1720:6, 1746:25, 1756:13</p> <p>CAUTION [5] - 1638:20, 1639:4, 1641:10, 1726:9, 1740:14</p> <p>CAZARES [119] - 1652:25, 1654:20, 1654:21, 1656:2, 1656:3, 1656:4, 1657:13, 1657:14, 1657:15, 1657:24,</p>	<p>1664:6, 1681:11, 1681:12, 1681:14, 1681:17, 1681:21, 1682:2, 1682:4, 1682:6, 1682:7, 1682:9, 1682:14, 1682:17, 1682:20, 1683:6, 1683:12, 1683:13, 1684:4, 1684:12, 1684:14, 1684:20, 1685:7, 1686:3, 1686:6, 1686:14, 1686:15, 1686:18, 1687:3, 1687:8, 1687:11, 1687:18, 1687:21, 1687:22, 1687:24, 1688:11, 1688:12, 1688:14, 1688:16, 1688:24, 1689:2, 1689:10, 1689:13, 1717:17, 1728:22, 1729:3, 1729:6, 1729:11, 1729:17, 1730:4, 1730:7, 1730:15, 1730:18, 1731:3, 1731:6, 1731:11, 1731:14, 1731:25, 1732:2, 1732:11, 1732:18, 1733:5, 1733:16, 1734:12, 1734:13, 1735:8, 1735:9, 1735:11, 1735:12, 1735:16, 1736:14, 1736:17, 1736:22, 1737:1, 1738:3, 1738:10, 1739:5, 1739:10, 1739:19, 1739:23, 1739:24, 1740:6, 1740:14, 1740:21, 1741:5, 1742:4, 1742:5, 1742:7, 1742:13, 1742:18, 1744:3, 1744:6, 1745:5, 1747:8, 1747:11, 1753:4, 1753:5, 1753:15, 1754:1, 1763:9, 1763:10</p> <p>CAZARES'S [4] - 1683:8, 1686:23, 1734:10, 1734:11</p> <p>CEASED [1] - 1742:14</p> <p>CELL [4] - 1683:14, 1689:10, 1716:17</p> <p>CERTAIN [15] - 1635:8, 1635:13, 1637:24, 1645:9, 1647:1, 1693:6, 1715:5, 1715:7,</p>	<p>1717:2, 1724:1, 1743:6, 1743:13, 1743:18, 1756:6, 1762:2</p> <p>CERTAINLY [8] - 1697:14, 1697:15, 1697:16, 1703:4, 1703:17, 1707:15, 1710:7, 1738:24</p> <p>CERTIFICATE [1] - 1773:1</p> <p>CERTIFY [1] - 1773:3</p> <p>CHAIN [2] - 1636:9, 1761:14</p> <p>CHAIRS [1] - 1632:6</p> <p>CHANGE [3] - 1629:13, 1648:17, 1703:16</p> <p>CHANGED [2] - 1730:2, 1730:7</p> <p>CHANGES [1] - 1754:7</p> <p>CHARACTER [2] - 1634:23, 1726:4</p> <p>CHARGE [7] - 1634:5, 1711:22, 1713:21, 1714:11, 1722:16, 1747:25, 1760:10</p> <p>CHARGED [19] - 1638:25, 1640:17, 1641:22, 1642:20, 1642:23, 1643:2, 1643:6, 1643:10, 1643:13, 1645:18, 1652:9, 1673:2, 1673:3, 1718:2, 1722:11, 1722:21, 1723:21, 1743:20, 1764:13</p> <p>CHARGER [1] - 1662:17</p> <p>CHARGERS [1] - 1675:12</p> <p>CHARGES [7] - 1638:10, 1640:8, 1644:16, 1644:21, 1690:16, 1724:10, 1757:21</p> <p>CHARGING [2] - 1664:13, 1680:13</p> <p>CHARITY [1] - 1639:11</p> <p>CHARLES [19] - 1659:20, 1665:20, 1695:6, 1699:14, 1699:16, 1703:8, 1704:2, 1704:6, 1704:9, 1705:15, 1705:25, 1706:1, 1706:17, 1706:18,</p>	<p>1706:20, 1717:17, 1760:9</p> <p>CHARLIE [31] - 1653:10, 1653:13, 1659:21, 1659:22, 1660:1, 1660:2, 1660:5, 1663:21, 1663:25, 1665:5, 1665:6, 1665:17, 1665:18, 1665:20, 1666:12, 1667:13, 1668:4, 1668:14, 1668:20, 1668:21, 1670:3, 1671:6, 1671:7, 1672:16, 1672:17, 1677:11, 1677:12, 1704:1</p> <p>CHARLIE'S [1] - 1668:5</p> <p>CHART [1] - 1764:25</p> <p>CHEAPER [4] - 1673:4, 1675:3, 1680:18, 1680:21</p> <p>CHEAT [1] - 1721:24</p> <p>CHEATED [1] - 1763:11</p> <p>CHECK [1] - 1770:11</p> <p>CHECKING [1] - 1768:20</p> <p>CHEMIST [7] - 1639:10, 1639:11, 1639:12, 1639:14, 1639:15, 1639:16, 1683:22</p> <p>CHILD [2] - 1753:12, 1757:25</p> <p>CHILDREN [2] - 1718:20, 1724:17</p> <p>CHOCTAW [1] - 1698:1</p> <p>CHOICE [3] - 1650:24, 1651:10, 1651:16</p> <p>CHOICES [1] - 1650:20</p> <p>CHOIRBOYS [1] - 1756:19</p> <p>CHOOSE [2] - 1651:16, 1746:7</p> <p>CHOSE [3] - 1717:2, 1725:20</p> <p>CHOSEN [1] - 1768:25</p> <p>CHRISTINA [40] - 1653:25, 1654:1, 1660:14, 1661:13, 1662:1, 1662:3, 1662:7, 1662:9, 1662:11, 1663:12, 1667:4, 1667:9, 1676:4, 1677:25, 1678:2, 1679:24,</p>
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TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1780

<p>1680:1, 1680:2, 1680:4, 1680:10, 1681:1, 1700:8, 1701:14, 1702:7, 1702:9, 1702:15, 1702:19, 1714:1, 1716:1, 1716:21, 1718:1, 1719:8, 1721:15, 1721:17, 1722:22, 1726:22, 1747:12, 1747:14, 1760:1 CHUCKY [11] - 1653:8, 1661:20, 1661:21, 1661:22, 1665:22, 1667:19, 1672:2, 1676:7, 1676:8, 1679:25, 1680:2 CI [1] - 1722:23 CIRCLE [2] - 1704:18, 1756:17 CIRCLES [1] - 1756:17 CIRCUMSTANCES [4] - 1636:10, 1641:12, 1641:16, 1642:12 CIRCUMSTANTIAL [4] - 1636:7, 1636:9, 1636:12, 1749:17 CLAIMED [3] - 1641:6, 1721:15, 1723:14 CLAIMING [1] - 1719:16 CLAIMS [3] - 1704:9, 1719:17, 1722:4 CLARIFIED [1] - 1705:24 CLAY [1] - 1639:12 CLEAN [3] - 1703:13, 1703:15, 1703:17 CLEANED [1] - 1703:12 CLEAR [3] - 1718:7, 1744:5 CLEARLY [6] - 1637:9, 1637:12, 1683:17, 1687:15, 1687:20, 1699:21 CLIENT [8] - 1700:11, 1700:21, 1743:11, 1747:23, 1750:25, 1751:3, 1751:4 CLIENT'S [1] - 1743:11 CLOSE [4] - 1632:12, 1676:6, 1762:23, 1764:2 CLOSET [1] - 1739:13 CLOSING [14] -</p>	<p>1632:16, 1651:24, 1691:14, 1692:3, 1711:1, 1727:18, 1743:3, 1743:5, 1774:4, 1774:5, 1774:7, 1774:8, 1774:10 CLOTHES [1] - 1702:25 CLOUDS [1] - 1720:16 COACH [1] - 1675:16 COCAINE [2] - 1683:25, 1760:17 COCONSPIRATOR [1] - 1664:1 COCONSPIRATORS [4] - 1676:19, 1690:7, 1690:15, 1691:1 CODE [3] - 1645:5, 1645:6, 1645:7 CODEFENDANTS [4] - 1638:8, 1638:11, 1638:12, 1770:14 COERCED [1] - 1753:3 COLLECT [1] - 1659:14 COLLECTING [1] - 1657:21 COLLECTIVE [1] - 1731:20 COLLIN [1] - 1669:17 COLOR [1] - 1725:10 COMBINE [2] - 1644:23, 1763:7 COMING [5] - 1656:17, 1667:3, 1690:8, 1720:14, 1765:10 COMMIT [6] - 1643:6, 1643:10, 1643:12, 1645:8, 1724:9 COMMITTED [10] - 1640:8, 1640:11, 1640:13, 1641:8, 1642:24, 1643:1, 1643:8, 1643:15, 1646:25, 1743:20 COMMON [23] - 1634:20, 1636:1, 1636:3, 1647:2, 1690:6, 1690:11, 1693:7, 1706:16, 1726:1, 1733:20, 1733:21, 1743:24, 1745:19, 1745:20, 1750:22, 1751:24, 1751:25, 1754:10, 1758:23, 1759:1,</p>	<p>1764:4, 1765:7 COMMONALITY [2] - 1764:4, 1765:9 COMMUNICATE [2] - 1649:10, 1649:15 COMPANY [2] - 1697:7, 1725:8 COMPARE [2] - 1758:19, 1763:13 COMPARTMENT [3] - 1655:18, 1689:9, 1762:25 COMPLAINED [2] - 1660:4, 1718:23 COMPLAINING [3] - 1667:15, 1671:7, 1672:19 COMPLETE [2] - 1632:14, 1713:6 COMPLETED [1] - 1772:9 COMPLETELY [2] - 1704:17, 1706:20 COMPLEX [1] - 1696:16 COMPUTER [1] - 1627:25 COMPUTER-AIDED [1] - 1627:25 COMPUTERIZED [1] - 1627:24 CONCEALED [1] - 1675:7 CONCERN [1] - 1717:5 CONCERNED [4] - 1636:6, 1640:19, 1640:24, 1722:17 CONCERNING [6] - 1634:17, 1635:19, 1639:24, 1641:9, 1642:3, 1644:9 CONCLUDES [1] - 1769:20 CONCLUSION [5] - 1637:22, 1649:8, 1746:1, 1764:12, 1765:1 CONCLUSIONS [1] - 1636:3 CONCORDANCE [1] - 1627:17 CONDITION [1] - 1641:15 CONDITIONS [4] - 1642:9, 1703:1, 1757:1, 1757:20 CONDUCT [5] - 1640:18, 1659:11, 1694:7, 1694:16,</p>	<p>1770:16 CONDUCTING [1] - 1679:22 CONFESSED [2] - 1763:18, 1763:19 CONFESSION [8] - 1738:22, 1739:20, 1745:2, 1753:2, 1754:8, 1763:14, 1763:19, 1763:20 CONFESSIONS [1] - 1752:23 CONFIDENTIAL [3] - 1716:2, 1716:6, 1752:7 CONFIRMED [2] - 1698:13, 1708:1 CONFLICTING [1] - 1706:5 CONFUSED [1] - 1733:1 CONFUSING [1] - 1693:17 CONNECT [1] - 1760:2 CONNECTING [1] - 1761:11 CONNECTION [3] - 1688:1, 1709:2, 1719:1 CONSCIENCE [1] - 1762:16 CONSCIOUSNESS [6] - 1689:17, 1689:19, 1762:15, 1762:20, 1762:21, 1763:4 CONSENSUAL [4] - 1725:18, 1731:10, 1734:20, 1742:8 CONSENT [2] - 1737:6, 1737:7 CONSEQUENCES [2] - 1633:24, 1757:2 CONSIDER [16] - 1635:2, 1635:24, 1636:15, 1638:1, 1638:4, 1641:9, 1641:13, 1642:2, 1642:4, 1642:7, 1642:12, 1642:25, 1643:3, 1643:7, 1650:7, 1690:24 CONSIDERATION [6] - 1633:5, 1634:20, 1640:25, 1648:15, 1726:2, 1758:18 CONSIDERATIONS [1] - 1637:15 CONSIDERED [3] - 1641:2, 1641:19,</p>	<p>1643:18 CONSIDERING [3] - 1636:5, 1640:4, 1756:8 CONSIGNMENT [2] - 1712:16, 1712:17 CONSISTENT [4] - 1669:6, 1670:1, 1680:14, 1701:12 CONSISTENTLY [1] - 1705:23 CONSPIRACIES [4] - 1629:14, 1629:24, 1630:8, 1630:9 CONSPIRACY [50] - 1630:3, 1645:24, 1646:3, 1646:7, 1646:12, 1646:22, 1647:4, 1647:5, 1647:6, 1650:8, 1650:11, 1650:15, 1650:16, 1650:20, 1652:10, 1652:19, 1654:5, 1656:14, 1658:1, 1664:7, 1664:17, 1671:17, 1689:22, 1689:24, 1689:25, 1690:3, 1690:4, 1693:9, 1695:8, 1695:14, 1710:4, 1713:18, 1713:21, 1714:21, 1714:23, 1740:9, 1742:14, 1742:21, 1744:22, 1747:25, 1751:5, 1751:17, 1753:20, 1760:20, 1760:22, 1761:3, 1764:17, 1764:23 CONSPIRATOR [1] - 1647:6 CONSPIRATORS [3] - 1646:9, 1646:16, 1646:22 CONSPIRE [2] - 1644:24, 1645:8 CONSTRUCTION [1] - 1735:21 CONSTRUCTIVE [5] - 1647:12, 1647:20, 1647:22, 1647:24, 1648:3 CONSULT [1] - 1648:12 CONTAIN [1] - 1773:3 CONTAINED [1] - 1689:9 CONTAINING [9] - 1645:2, 1645:17, 1646:1, 1650:22,</p>
---	---	--	--	---

8426

1781

1650:25, 1651:3,
1768:21, 1769:1,
1769:9

CONTEMPLATE [1] -
1765:15

CONTENT [2] -
1644:1, 1644:6

CONTENTS [3] -
1627:15, 1644:12,
1774:1

CONTINUE [5] -
1652:6, 1667:13,
1756:13, 1756:15,
1760:11

CONTINUED [4] -
1663:19, 1671:20,
1676:17, 1685:15

CONTINUES [2] -
1653:15, 1679:20

CONTINUOUSLY [1] -
1640:9

CONTRACT [1] -
1748:21

CONTRADICTING [1]
- 1723:5

CONTRADICTORY [1]
- 1707:25

CONTRARY [2] -
1638:17, 1698:9

CONTROL [4] -
1641:4, 1647:13,
1647:18, 1706:23

CONTROLLED [3] -
1645:9, 1648:6,
1716:1

CONTROLLED-
SUBSTANCES [1] -
1645:9

CONTROLS [1] -
1635:11

CONVENIENCE [2] -
1649:5, 1682:16

CONVENIENT [1] -
1718:25

CONVERSATION [18]
- 1643:21, 1643:24,
1644:2, 1644:7,
1680:11, 1684:14,
1689:20, 1731:8,
1731:13, 1731:15,
1732:8, 1732:9,
1732:24, 1738:21,
1741:21, 1744:2,
1744:3

CONVERSION [1] -
1683:2

CONVERSIONS [1] -
1693:15

CONVICT [9] -
1638:21, 1639:6,

1646:12, 1726:10,
1726:13, 1740:15,
1759:13, 1763:20,
1763:21

CONVICTED [4] -
1637:25, 1722:8,
1722:23, 1724:4

CONVICTION [2] -
1637:25, 1760:17

CONVICTIONS [1] -
1726:24

CONVINCED [3] -
1645:12, 1648:17,
1743:19

CONVINCING [2] -
1634:23, 1726:4

COOK [9] - 1683:12,
1683:16, 1683:20,
1684:11, 1687:4,
1687:5, 1741:17,
1744:7, 1753:17

COOKING [9] -
1656:15, 1657:25,
1683:6, 1683:11,
1684:8, 1684:9,
1687:16, 1729:14,
1744:4

COOL [3] - 1720:4,
1731:20, 1747:4

COOLERS [3] -
1658:2, 1683:20,
1687:7

COOPERATE [3] -
1684:4, 1685:6,
1688:9

COOPERATED [1] -
1687:8

COOPERATIVE [1] -
1740:1

COOPERATORS [1] -
1716:6

COPIES [1] - 1629:11

COPY [3] - 1632:7,
1644:19, 1765:21

COROLLAS [2] -
1662:18, 1675:12

CORPORATION [2] -
1761:9, 1761:10

CORRECT [1] -
1773:3

CORRECTLY [1] -
1644:6

CORRECTNESS [1] -
1633:21

CORROBORATE [1] -
1716:23

CORROBORATED [1]
- 1752:11

CORROBORATING
[1] - 1750:17

CORROBORATION
[3] - 1750:11,
1750:12, 1750:21

CORTEZ [9] - 1627:8,
1628:12, 1644:16,
1644:22, 1650:1,
1650:3, 1650:5,
1650:17, 1768:18

COST [2] - 1716:12,
1752:5

COSTS [2] - 1745:13,
1745:23

COUNSEL [22] -
1629:11, 1632:14,
1651:5, 1652:1,
1689:22, 1690:21,
1691:5, 1691:17,
1711:3, 1727:21,
1742:19, 1743:6,
1744:25, 1748:15,
1749:23, 1750:8,
1752:19, 1752:20,
1767:9, 1767:20,
1768:4

COUNT [7] - 1644:17,
1644:21, 1650:2,
1650:18, 1768:17,
1768:23, 1769:4

COUNTRY [1] -
1730:11

COUNTY [1] - 1696:14

COUPLE [3] -
1665:18, 1704:11,
1734:10

COUPLE-OF-
MONTH [1] - 1704:11

COURSE [14] -
1641:18, 1641:23,
1657:8, 1659:8,
1680:16, 1683:21,
1693:2, 1693:10,
1694:19, 1694:23,
1699:22, 1700:22,
1746:20, 1769:24

COURT [97] - 1627:1,
1628:1, 1629:10,
1629:18, 1630:1,
1630:5, 1630:10,
1630:16, 1630:20,
1630:22, 1631:4,
1631:7, 1631:9,
1631:12, 1631:17,
1631:21, 1631:25,
1632:2, 1632:4,
1632:5, 1633:2,
1638:14, 1641:7,
1649:12, 1649:13,
1649:15, 1649:17,
1651:9, 1651:25,
1682:12, 1682:24,

1683:1, 1683:4,
1688:19, 1691:2,
1691:12, 1691:16,
1693:5, 1708:14,
1710:10, 1710:14,
1710:15, 1710:16,
1710:19, 1710:20,
1710:22, 1710:23,
1710:24, 1711:2,
1727:16, 1727:20,
1733:6, 1734:16,
1735:1, 1735:9,
1735:10, 1735:11,
1735:12, 1738:16,
1738:23, 1740:10,
1743:1, 1750:25,
1751:8, 1751:12,
1765:5, 1765:20,
1766:1, 1767:5,
1767:6, 1767:7,
1767:16, 1767:17,
1767:25, 1768:2,
1768:3, 1768:8,
1768:9, 1768:10,
1768:13, 1768:14,
1768:16, 1769:13,
1771:1, 1771:11,
1771:12, 1771:13,
1771:17, 1771:22,
1771:25, 1772:5,
1772:13, 1772:15,
1772:17, 1772:19,
1773:1, 1773:9

COURT'S [4] -
1629:12, 1632:7,
1736:12, 1765:22

COURTHOUSE [1] -
1773:10

COURTROOM [9] -
1649:3, 1745:22,
1749:1, 1751:20,
1755:24, 1756:9,
1758:20, 1764:19,
1768:4

COUSIN [2] - 1657:18,
1741:22

COVENEY [1] -
1717:18

COVERS [1] - 1694:12

CRACK [1] - 1760:17

CREAM [1] - 1724:18

CREATED [2] -
1724:16, 1724:19

CREDIBILITY [9] -
1636:18, 1638:2,
1642:3, 1755:19,
1758:16, 1761:24,
1761:25, 1763:24,
1765:17

CREDIBLE [1] -

1756:22

CREEK [1] - 1669:17

CRIME [12] - 1640:11,
1640:13, 1640:17,
1641:8, 1643:10,
1643:12, 1645:8,
1645:11, 1646:5,
1646:25, 1751:6,
1761:4

CRIMES [1] - 1637:25

CRIMINAL [4] -
1641:21, 1720:19,
1730:25, 1758:17

CROSS [1] - 1733:5

CRR [1] - 1773:8

CRUISE [1] - 1725:9

CRYSTALIZED [2] -
1656:16, 1687:6

CRYSTALLIZE [1] -
1658:2

CSI [1] - 1752:1

CUP [1] - 1669:5

CURRENCY [1] -
1696:1

CURRENT [1] -
1737:1

CUSTODY [11] -
1660:2, 1668:19,
1695:8, 1695:13,
1699:20, 1705:13,
1706:22, 1707:19,
1707:21, 1708:7,
1772:8

CUSTOMER [5] -
1654:24, 1655:9,
1678:4, 1678:5,
1679:4

CUSTOMERS [26] -
1656:18, 1656:21,
1658:4, 1659:15,
1664:12, 1664:14,
1666:5, 1667:1,
1667:2, 1667:15,
1668:11, 1668:22,
1671:7, 1672:18,
1674:19, 1677:13,
1678:5, 1680:14,
1696:8, 1696:9,
1697:9, 1699:5,
1706:11, 1755:9

CUT [3] - 1660:5,
1706:20, 1747:21

CVS [2] - 1685:5,
1688:7

D

DALLAS [1] - 1750:19

DATE [3] - 1649:9,
1649:21, 1720:23

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1782

<p>DATED [1] - 1667:18</p> <p>DATES [3] - 1640:11, 1640:13, 1640:14</p> <p>DATING [2] - 1667:19, 1705:18</p> <p>DAVILA [11] - 1673:19, 1674:16, 1716:17, 1717:10, 1717:20, 1717:25, 1719:15, 1721:17, 1722:4, 1726:22, 1755:9</p> <p>DAYS [3] - 1656:23, 1674:22, 1770:1</p> <p>DEA [8] - 1681:4, 1694:2, 1694:15, 1694:16, 1717:6, 1730:23, 1753:24, 1754:1</p> <p>DEAL [7] - 1690:9, 1698:22, 1701:16, 1718:25, 1724:10, 1730:4, 1760:9</p> <p>DEALER [1] - 1759:20</p> <p>DEALING [26] - 1657:18, 1659:1, 1660:24, 1664:3, 1664:17, 1667:15, 1667:16, 1667:22, 1669:20, 1670:14, 1671:8, 1672:19, 1700:6, 1701:9, 1703:23, 1704:17, 1706:18, 1708:8, 1708:18, 1709:12, 1718:5, 1718:11, 1719:7, 1719:16, 1723:2, 1723:23</p> <p>DEALINGS [1] - 1745:4</p> <p>DEALS [4] - 1699:8, 1699:18, 1699:21, 1726:7</p> <p>DEALT [3] - 1657:8, 1695:3, 1706:16</p> <p>DEBRIEFING [1] - 1757:13</p> <p>DEBRIEFS [1] - 1752:8</p> <p>DEBT [6] - 1670:19, 1670:20, 1679:16, 1679:17, 1679:19, 1759:3</p> <p>DECEIVED [2] - 1733:6, 1734:1</p> <p>DECEMBER [2] - 1627:7, 1628:2</p> <p>DECIDE [16] - 1633:5, 1636:13, 1636:22, 1637:18, 1638:4,</p>	<p>1640:15, 1640:23, 1648:14, 1648:23, 1715:9, 1726:20, 1756:2, 1756:21, 1756:22, 1761:25, 1766:6</p> <p>DECIDED [7] - 1669:20, 1677:24, 1678:2, 1680:9, 1708:7, 1753:14</p> <p>DECIDING [2] - 1638:1, 1643:1</p> <p>DECISION [6] - 1633:17, 1636:24, 1715:20, 1753:17, 1754:12</p> <p>DECISIONS [2] - 1637:20, 1753:13</p> <p>DEDUCTIONS [1] - 1636:2</p> <p>DEFENDANT [155] - 1628:12, 1628:18, 1629:1, 1634:8, 1634:10, 1638:21, 1639:6, 1640:20, 1640:22, 1641:1, 1641:2, 1641:5, 1641:7, 1641:15, 1641:20, 1641:24, 1642:14, 1642:17, 1642:20, 1642:21, 1642:22, 1643:1, 1643:5, 1643:8, 1643:11, 1643:14, 1643:15, 1646:10, 1646:13, 1646:14, 1648:2, 1650:5, 1650:12, 1650:14, 1650:17, 1652:25, 1654:21, 1655:7, 1657:3, 1657:4, 1657:6, 1658:16, 1658:20, 1658:22, 1658:24, 1659:1, 1659:3, 1659:10, 1659:20, 1659:24, 1659:25, 1660:11, 1660:13, 1660:20, 1661:17, 1661:20, 1661:23, 1662:4, 1662:8, 1662:20, 1662:23, 1663:13, 1663:14, 1663:17, 1663:19, 1665:1, 1665:3, 1665:16, 1665:22, 1665:23, 1665:24, 1666:7, 1666:18, 1666:20, 1666:25, 1667:6, 1667:11, 1667:12,</p>	<p>1667:14, 1667:18, 1667:21, 1668:7, 1668:19, 1669:7, 1669:9, 1669:12, 1669:23, 1669:25, 1670:2, 1670:4, 1670:10, 1670:12, 1670:13, 1670:14, 1671:1, 1671:9, 1672:1, 1672:6, 1672:10, 1672:25, 1673:2, 1673:16, 1674:3, 1674:12, 1674:25, 1675:15, 1676:13, 1677:5, 1677:14, 1679:10, 1679:18, 1680:1, 1681:12, 1681:16, 1681:21, 1682:5, 1682:8, 1682:14, 1682:17, 1682:21, 1683:5, 1683:12, 1683:15, 1683:25, 1684:5, 1684:6, 1684:12, 1684:16, 1684:20, 1684:22, 1685:3, 1685:5, 1685:17, 1686:6, 1686:8, 1686:9, 1687:10, 1689:4, 1689:18, 1691:14, 1711:1, 1726:10, 1726:14, 1727:18, 1740:16, 1744:7, 1746:2, 1752:23, 1763:14, 1763:18, 1770:25, 1774:5, 1774:7, 1774:8</p> <p>DEFENDANT'S [1] - 1650:15</p> <p>DEFENDANTS [39] - 1629:19, 1632:4, 1634:6, 1634:11, 1634:13, 1636:14, 1640:13, 1640:16, 1640:17, 1641:4, 1644:16, 1644:22, 1645:11, 1645:19, 1645:21, 1648:24, 1652:8, 1668:11, 1690:3, 1690:14, 1691:9, 1710:15, 1710:19, 1710:23, 1748:18, 1750:6, 1752:4, 1764:12, 1764:23, 1765:18, 1767:6, 1767:15, 1767:24, 1768:2, 1768:3, 1768:9, 1770:13, 1771:12</p> <p>DEFENDANTS' [2] -</p>	<p>1634:15, 1634:18</p> <p>DEFENSE [19] - 1630:15, 1632:14, 1632:21, 1637:7, 1689:21, 1689:22, 1690:21, 1691:5, 1691:20, 1743:5, 1744:25, 1748:15, 1749:23, 1750:8, 1752:19, 1753:10, 1753:11</p> <p>DEFIES [1] - 1754:15</p> <p>DEFINED [1] - 1641:23</p> <p>DEFINITELY [2] - 1696:22, 1708:18</p> <p>DEFINITION [1] - 1725:25</p> <p>DEGREES [2] - 1759:16, 1759:18</p> <p>DELIBERATE [8] - 1648:13, 1691:3, 1691:8, 1693:23, 1766:12, 1766:14, 1766:21, 1767:1</p> <p>DELIBERATES [1] - 1766:18</p> <p>DELIBERATION [2] - 1692:2, 1692:3</p> <p>DELIBERATIONS [8] - 1633:14, 1648:10, 1648:16, 1649:2, 1649:8, 1649:11, 1649:16, 1765:23</p> <p>DELIVER [20] - 1648:5, 1653:6, 1653:13, 1653:14, 1653:20, 1653:21, 1654:22, 1656:24, 1663:3, 1663:19, 1670:23, 1677:9, 1679:4, 1681:13, 1681:14, 1685:11, 1685:25, 1701:21, 1714:21, 1770:3</p> <p>DELIVERED [31] - 1653:7, 1653:10, 1654:18, 1655:6, 1656:1, 1656:6, 1656:10, 1656:22, 1656:25, 1657:5, 1657:10, 1658:8, 1661:8, 1661:10, 1663:5, 1663:10, 1663:14, 1663:16, 1663:21, 1664:1, 1668:8, 1670:7, 1671:14, 1682:1, 1685:22, 1706:8, 1729:23, 1735:15,</p>	<p>1741:3, 1741:13</p> <p>DELIVERIES [7] - 1698:25, 1699:24, 1699:25, 1700:3, 1700:23, 1704:10, 1706:2</p> <p>DELIVERING [35] - 1653:5, 1653:24, 1654:11, 1656:13, 1657:1, 1657:21, 1657:23, 1658:6, 1659:3, 1659:9, 1659:16, 1660:1, 1660:6, 1661:16, 1661:22, 1662:14, 1662:23, 1663:2, 1664:21, 1665:19, 1666:4, 1668:12, 1670:8, 1670:15, 1671:6, 1671:10, 1671:24, 1671:25, 1679:11, 1703:3, 1704:13, 1705:16, 1758:7, 1759:23, 1759:24</p> <p>DELIVERY [2] - 1679:2, 1679:4</p> <p>DEMEANOR [1] - 1720:3</p> <p>DENIED [1] - 1689:2</p> <p>DENISON [18] - 1652:21, 1659:6, 1659:11, 1661:17, 1663:3, 1665:21, 1681:9, 1690:5, 1694:6, 1698:6, 1703:5, 1703:7, 1713:9, 1713:14, 1714:21, 1749:6, 1765:2, 1765:11</p> <p>DEPARTMENT [4] - 1639:14, 1639:15, 1639:17, 1639:18</p> <p>DEPICTED [1] - 1746:9</p> <p>DEPOT [4] - 1682:17, 1682:18, 1684:1, 1686:12</p> <p>DESCRIBED [1] - 1694:15</p> <p>DESCRIBING [1] - 1761:3</p> <p>DESERVES [2] - 1640:4, 1641:11</p> <p>DESTROY [1] - 1638:2</p> <p>DETAIL [2] - 1693:1, 1764:3</p> <p>DETAILS [6] - 1646:8, 1646:17, 1646:19, 1693:3, 1758:21,</p>
--	---	--	---	--

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1783

<p>1759:4 DETECTABLE [9] - 1645:2, 1645:17, 1646:1, 1650:22, 1650:25, 1651:3, 1768:21, 1769:2, 1769:9 DETECTIVE [1] - 1717:15 DETERMINATION [1] - 1757:18 DETERMINE [14] - 1635:1, 1637:16, 1643:8, 1644:8, 1644:13, 1650:7, 1709:22, 1710:2, 1710:3, 1716:14, 1762:1, 1763:6, 1763:25, 1769:15 DETERMINED [2] - 1646:2, 1681:7 DETERMINING [5] - 1633:16, 1639:21, 1641:6, 1710:5, 1753:13 DEVELOP [2] - 1700:11, 1700:21 DEVELOPED [3] - 1701:19, 1757:12, 1757:13 DEVICE [1] - 1731:12 DIAGNOSED [1] - 1708:21 DIFFER [2] - 1637:13, 1757:7 DIFFERENT [15] - 1661:9, 1692:24, 1693:11, 1694:21, 1704:17, 1707:9, 1714:18, 1714:22, 1723:24, 1724:10, 1724:17, 1731:22, 1752:13, 1757:9 DIFFICULT [3] - 1696:25, 1731:2, 1763:23 DIRE [6] - 1692:5, 1692:15, 1743:14, 1744:18, 1747:17, 1755:23 DIRECT [6] - 1636:6, 1636:7, 1636:12, 1647:13, 1688:1, 1730:1 DIRECTION [2] - 1730:2, 1730:8 DIRECTLY [12] - 1637:12, 1645:14, 1646:17, 1647:19, 1657:8, 1660:6,</p>	<p>1672:19, 1680:9, 1698:21, 1706:20, 1710:6, 1712:2 DIRTY [4] - 1705:11, 1746:19, 1747:2, 1756:13 DISAGREE [1] - 1751:4 DISAPPEARED [1] - 1667:23 DISAPPEARING [1] - 1668:3 DISBELIEVE [1] - 1743:13 DISCOVERED [2] - 1672:25, 1687:1 DISCRETE [1] - 1714:9 DISCUSS [6] - 1766:16, 1766:22, 1767:2, 1770:4, 1770:6, 1770:7 DISCUSSED [3] - 1647:2, 1692:7, 1693:7 DISCUSSING [1] - 1680:12 DISCUSSION [1] - 1640:25 DISMISSAL [1] - 1638:10 DISPUTE [1] - 1703:6 DISPUTES [1] - 1719:6 DISREGARD [4] - 1633:19, 1635:14, 1635:21, 1644:14 DISTANCE [1] - 1642:10 DISTANCES [1] - 1685:1 DISTANCING [1] - 1689:14 DISTINCTION [1] - 1636:11 DISTRACTION [1] - 1748:25 DISTRIBUTE [15] - 1645:1, 1645:16, 1648:4, 1652:10, 1655:3, 1665:14, 1666:21, 1671:11, 1671:20, 1690:4, 1712:21, 1713:13, 1713:19, 1755:8, 1764:24 DISTRIBUTED [14] - 1652:24, 1656:24, 1660:12, 1660:15, 1660:17, 1660:19,</p>	<p>1664:9, 1669:4, 1670:11, 1681:9, 1699:1, 1749:5, 1755:4 DISTRIBUTING [25] - 1653:2, 1661:4, 1661:21, 1662:1, 1663:1, 1664:8, 1667:13, 1667:24, 1668:6, 1668:17, 1669:9, 1669:10, 1672:17, 1677:5, 1681:17, 1683:9, 1685:19, 1696:4, 1706:10, 1706:12, 1747:2, 1749:18, 1756:14, 1761:11 DISTRIBUTION [23] - 1652:20, 1653:15, 1653:17, 1658:3, 1666:25, 1668:23, 1670:4, 1685:8, 1691:10, 1747:9, 1748:9, 1748:10, 1749:3, 1749:6, 1749:7, 1755:2, 1755:3, 1755:12, 1755:15, 1756:18, 1760:3, 1765:1, 1765:4 DISTRIBUTIONS [1] - 1760:6 DISTRICT [4] - 1627:1, 1627:2, 1627:19, 1628:2 DIVISION [1] - 1627:3 DIVORCED [1] - 1733:9 DNA [1] - 1752:1 DOCTOR [3] - 1725:4, 1726:19, 1727:3 DODGE [7] - 1662:17, 1673:12, 1673:14, 1675:11, 1675:12, 1675:20, 1675:23 DOGG [53] - 1653:19, 1654:1, 1654:4, 1660:24, 1661:7, 1665:9, 1665:12, 1669:16, 1669:20, 1669:21, 1671:3, 1672:21, 1672:22, 1672:23, 1672:24, 1673:1, 1673:9, 1673:15, 1674:11, 1674:13, 1674:15, 1675:5, 1675:13, 1676:10, 1676:12, 1676:16, 1676:18, 1676:19, 1677:2,</p>	<p>1677:3, 1677:16, 1677:17, 1677:19, 1678:2, 1678:3, 1678:6, 1678:7, 1678:11, 1678:15, 1680:3, 1680:7, 1680:9, 1680:10, 1680:12, 1680:16, 1680:17, 1680:20, 1680:24, 1709:2 DOGG'S [1] - 1678:13 DOLLAR [2] - 1746:16, 1748:21 DOLLARS [5] - 1664:14, 1674:8, 1674:9, 1746:18, 1752:6 DOLLARS' [1] - 1746:14 DOMINION [1] - 1647:18 DONE [9] - 1635:18, 1647:9, 1708:19, 1730:21, 1732:14, 1740:23, 1740:24, 1753:1, 1770:25 DOOR [9] - 1662:18, 1665:6, 1666:1, 1668:5, 1672:16, 1677:12, 1697:7, 1704:3, 1704:12 DOUBLE [13] - 1662:20, 1662:21, 1662:23, 1664:23, 1664:24, 1668:12, 1671:22, 1673:3, 1674:24, 1675:3, 1675:5, 1680:17, 1680:19 DOUBT [34] - 1634:12, 1634:16, 1634:17, 1634:19, 1634:22, 1636:15, 1638:23, 1639:8, 1640:12, 1640:16, 1642:19, 1643:4, 1645:13, 1648:2, 1648:24, 1650:10, 1652:15, 1692:8, 1692:10, 1692:17, 1711:19, 1717:6, 1720:24, 1721:3, 1721:19, 1726:1, 1726:3, 1726:12, 1726:15, 1740:18, 1750:4, 1750:5 DOWN [18] - 1678:7, 1678:9, 1678:10, 1680:14, 1690:19, 1696:19, 1715:11,</p>	<p>1725:22, 1728:16, 1728:19, 1740:20, 1742:22, 1746:12, 1746:16, 1746:21, 1746:25, 1747:12, 1748:3 DOWNSTAIRS [1] - 1697:4 DRAFT [2] - 1629:11, 1629:15 DRAW [3] - 1635:25, 1636:3, 1749:17 DRAWN [1] - 1634:9 DRAWS [1] - 1764:25 DREW [1] - 1639:16 DRIVE [7] - 1655:11, 1673:9, 1673:15, 1673:20, 1677:25, 1681:24, 1717:1 DRIVER [4] - 1653:6, 1656:1, 1657:24, 1662:16 DRIVER'S [2] - 1673:11, 1697:6 DRIVERS [7] - 1655:14, 1673:9, 1673:19, 1680:23, 1682:1, 1685:24 DRIVING [13] - 1662:16, 1662:17, 1663:2, 1673:14, 1674:6, 1674:21, 1674:23, 1675:4, 1675:10, 1682:14, 1682:15, 1686:15, 1689:4 DROP [1] - 1680:14 DROPPED [3] - 1657:13, 1678:9, 1680:10 DROVE [6] - 1661:13, 1663:3, 1673:12, 1674:8, 1675:1, 1735:22 DROWNING [7] - 1728:1, 1728:7, 1728:14, 1728:22, 1730:18, 1731:23, 1742:24 DRUG [23] - 1639:10, 1639:11, 1639:13, 1651:15, 1659:24, 1665:2, 1679:22, 1688:13, 1707:7, 1711:24, 1720:17, 1721:1, 1730:8, 1739:5, 1739:23, 1740:6, 1745:16, 1747:2, 1747:3, 1747:15, 1759:20,</p>
--	--	--	--	--

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1784

<p>1760:19, 1768:19 DRUG-ADDICTED [1] - 1720:17 DRUGS [76] - 1639:2, 1652:24, 1654:8, 1654:13, 1654:14, 1655:15, 1661:1, 1663:24, 1664:4, 1667:22, 1672:10, 1678:25, 1679:1, 1685:19, 1685:20, 1685:25, 1708:19, 1712:13, 1712:15, 1712:20, 1712:22, 1713:1, 1713:5, 1713:13, 1713:15, 1714:6, 1714:21, 1721:7, 1721:8, 1725:17, 1726:7, 1726:13, 1726:23, 1729:10, 1729:20, 1729:23, 1729:25, 1730:15, 1732:21, 1734:9, 1734:13, 1734:22, 1736:20, 1739:11, 1739:12, 1741:1, 1741:4, 1744:9, 1744:12, 1744:13, 1745:17, 1746:10, 1747:6, 1747:8, 1750:19, 1751:1, 1751:11, 1751:15, 1753:16, 1753:17, 1754:18, 1754:21, 1755:1, 1755:7, 1756:14, 1758:7, 1761:7, 1761:14, 1765:4, 1765:10, 1771:21, 1771:22 DUMP [1] - 1658:1 DUNCANVILLE [6] - 1661:3, 1661:23, 1665:12, 1672:22, 1676:11, 1702:21 DURANT [1] - 1698:2 DURING [39] - 1635:3, 1635:13, 1635:19, 1635:21, 1639:2, 1639:9, 1648:16, 1649:10, 1649:15, 1650:12, 1656:13, 1657:25, 1660:17, 1661:15, 1672:20, 1672:24, 1674:11, 1676:24, 1679:21, 1680:11, 1680:16, 1681:6, 1681:19, 1684:6, 1687:1, 1688:9, 1689:12,</p>	<p>1689:20, 1692:3, 1692:15, 1693:2, 1694:19, 1700:22, 1707:6, 1747:17, 1751:14, 1755:16, 1755:23, 1762:14 DUTY [9] - 1633:4, 1633:6, 1633:17, 1633:23, 1633:25, 1635:1, 1640:22, 1648:12, 1648:23</p> <p style="text-align: center;">E</p> <p>EARNING [1] - 1727:23 EARTH [1] - 1688:22 EAST [1] - 1628:9 EASTERN [1] - 1627:2 EASY [2] - 1716:12, 1722:2 EDUCATION [3] - 1639:23, 1640:5, 1641:14 EFFECT [2] - 1633:3, 1648:19 EFFORT [2] - 1648:13, 1746:20 EIGHT [7] - 1656:22, 1657:5, 1661:10, 1671:10, 1672:23, 1673:6, 1701:10 EITHER [21] - 1636:12, 1637:6, 1647:18, 1648:3, 1649:7, 1649:12, 1650:3, 1660:19, 1668:24, 1670:22, 1673:17, 1674:11, 1680:24, 1688:24, 1697:16, 1699:2, 1719:18, 1721:18, 1722:21, 1752:25, 1769:11 ELAPSED [1] - 1642:15 ELECT [1] - 1649:20 ELECTION [1] - 1634:10 ELEMENT [2] - 1647:25, 1692:9 ELEMENTS [3] - 1641:22, 1711:22, 1750:5 ELICITED [1] - 1755:16 ELIMINATE [1] - 1717:14 EMPHASIZE [1] - 1712:14</p>	<p>EMPLOYEE [3] - 1702:14, 1732:4, 1732:19 EMPLOYEES [2] - 1696:20, 1740:4 EMPLOYER [6] - 1733:4, 1753:8, 1753:9, 1753:11, 1753:15, 1769:25 EMPLOYING [1] - 1705:1 ENCOUNTERED [1] - 1688:8 ENCOURAGE [1] - 1756:7 END [10] - 1633:6, 1658:16, 1711:25, 1718:25, 1728:5, 1743:23, 1748:22, 1751:18, 1772:21 ENDED [4] - 1654:23, 1667:9, 1674:2, 1675:4 ENDS [2] - 1700:4, 1736:11 ENFORCEMENT [12] - 1639:10, 1639:12, 1639:13, 1658:9, 1679:5, 1684:20, 1694:6, 1709:16, 1722:13, 1730:23, 1731:18, 1746:22 ENGAGED [1] - 1643:24 ENGLISH [1] - 1643:21 ENJOYED [1] - 1693:18 ENTER [2] - 1640:24, 1669:13 ENTERED [7] - 1638:9, 1638:15, 1638:24, 1646:16, 1664:7, 1743:9, 1770:15 ENTIRE [2] - 1742:16, 1743:16 ENTIRELY [2] - 1635:14, 1644:7 ENTRY [1] - 1650:15 ENVIRONMENT [2] - 1707:18, 1759:5 EQUAL [2] - 1659:8, 1711:13 EQUALS [1] - 1660:21 EQUIVALENT [1] - 1746:4 ERNEST [1] - 1628:5 ESCAPE [1] - 1635:9 ESPECIALLY [4] -</p>	<p>1671:12, 1713:25, 1720:24, 1723:13 ESSENTIAL [1] - 1641:22 ESSENTIALLY [1] - 1693:12 ESTABLISH [2] - 1647:3, 1693:8 ESTABLISHED [2] - 1636:4, 1708:3 ESTIMATED [1] - 1674:25 ET [1] - 1627:8 EVALUATE [2] - 1718:16, 1765:17 EVALUATING [1] - 1642:1 EVALUATION [1] - 1644:8 EVENT [3] - 1646:24, 1710:3, 1731:1 EVENTS [2] - 1636:9, 1694:13 EVENTUALLY [2] - 1682:23, 1765:10 EVIDENCE [92] - 1633:5, 1634:1, 1634:6, 1634:9, 1634:21, 1635:2, 1635:5, 1635:11, 1635:17, 1635:24, 1636:4, 1636:5, 1636:6, 1636:7, 1636:9, 1636:12, 1636:16, 1636:17, 1638:5, 1638:25, 1639:21, 1640:6, 1641:1, 1641:9, 1641:16, 1641:19, 1642:18, 1642:22, 1642:25, 1643:3, 1643:5, 1643:7, 1643:17, 1643:22, 1644:12, 1648:15, 1648:19, 1652:17, 1683:3, 1683:19, 1689:16, 1694:24, 1695:1, 1703:4, 1711:11, 1711:13, 1711:24, 1712:9, 1713:14, 1715:2, 1715:20, 1716:8, 1716:10, 1716:23, 1725:16, 1726:3, 1730:19, 1730:22, 1730:24, 1732:6, 1734:9, 1737:6, 1738:6, 1738:13, 1738:14, 1738:25, 1741:25, 1742:11,</p>	<p>1742:12, 1743:16, 1743:18, 1745:24, 1749:17, 1749:21, 1750:12, 1750:13, 1750:24, 1750:25, 1751:2, 1751:21, 1752:21, 1754:14, 1754:19, 1755:12, 1755:13, 1759:13, 1760:20, 1763:8, 1766:21, 1771:20 EX [6] - 1684:14, 1686:24, 1687:13, 1733:7, 1734:22, 1737:2 EX-WIFE [5] - 1684:14, 1687:13, 1733:7, 1734:22, 1737:2 EX-WIFE'S [1] - 1686:24 EXACT [1] - 1640:11 EXACTLY [6] - 1697:10, 1744:11, 1746:2, 1750:17, 1758:22, 1763:18 EXAGGERATE [2] - 1709:21, 1710:8 EXAGGERATING [1] - 1709:21 EXAMINATION [2] - 1644:10, 1730:1 EXAMINE [1] - 1648:17 EXAMINED [1] - 1639:4 EXAMINING [1] - 1642:18 EXAMPLE [4] - 1633:10, 1642:13, 1692:21, 1762:17 EXCEPT [2] - 1635:20, 1732:1 EXCEPTION [1] - 1742:17 EXCLUDE [1] - 1634:17 EXCUSE [3] - 1630:6, 1694:4, 1766:14 EXCUSED [1] - 1766:19 EXCUSES [1] - 1759:6 EXECUTED [1] - 1683:18 EXECUTION [1] - 1687:2 EXERCISE [1] - 1647:18 EXHIBIT [10] - 1643:19, 1643:22,</p>
--	---	---	---	---

<p>1700:16, 1708:12, 1771:18, 1771:20, 1774:12, 1774:13, 1774:14, 1774:15</p> <p>EXHIBITS [7] - 1635:4, 1636:1, 1767:10, 1767:11, 1767:21, 1771:16, 1771:18</p> <p>EXISTENCE [2] - 1647:3, 1693:9</p> <p>EXPECT [4] - 1634:3, 1703:14, 1712:19, 1756:19</p> <p>EXPECTATION [9] - 1712:17, 1713:6, 1713:15, 1714:10, 1714:13, 1724:16, 1724:19, 1726:25</p> <p>EXPECTED [1] - 1713:2</p> <p>EXPECTING [1] - 1712:22</p> <p>EXPENSIVE [3] - 1715:16, 1715:17, 1715:19</p> <p>EXPERIENCE [4] - 1636:2, 1639:23, 1640:5, 1693:18</p> <p>EXPERIENCES [1] - 1745:20</p> <p>EXPERT [1] - 1639:19</p> <p>EXPLAIN [7] - 1633:6, 1633:13, 1633:18, 1633:24, 1648:11, 1697:3, 1771:3</p> <p>EXPLANATION [1] - 1732:25</p> <p>EXPLANATIONS [1] - 1754:3</p> <p>EXPOSED [2] - 1638:11, 1758:1</p> <p>EXPOSES [1] - 1746:22</p> <p>EXPRESSED [1] - 1639:25</p> <p>EXPRESSLY [1] - 1638:14</p> <p>EXTENT [1] - 1644:14</p> <p>EYEWITNESS [1] - 1636:8</p>	<p>1707:12, 1715:18, 1720:18</p> <p>FACE-TO-FACE [3] - 1674:1, 1674:3, 1678:11</p> <p>FACILITATING [2] - 1751:9</p> <p>FACT [22] - 1636:8, 1636:10, 1638:23, 1639:22, 1641:3, 1646:25, 1684:17, 1692:11, 1692:23, 1693:6, 1694:9, 1695:5, 1695:15, 1702:10, 1708:11, 1709:18, 1723:14, 1748:8, 1755:6, 1755:8, 1761:19, 1763:11</p> <p>FACTOR [1] - 1637:25</p> <p>FACTORS [2] - 1641:13, 1642:2</p> <p>FACTS [29] - 1633:15, 1633:17, 1635:2, 1635:8, 1635:23, 1636:4, 1648:23, 1692:2, 1693:3, 1693:24, 1694:1, 1702:5, 1709:23, 1710:2, 1710:4, 1710:5, 1738:13, 1738:14, 1745:25, 1750:23, 1755:16, 1756:1, 1764:11, 1764:20, 1764:21, 1770:20, 1770:21</p> <p>FAILING [1] - 1629:23</p> <p>FAILS [1] - 1634:12</p> <p>FAILURE [2] - 1630:3, 1630:8</p> <p>FALL [3] - 1694:4, 1712:9, 1755:21</p> <p>FALSE [1] - 1675:9</p> <p>FALSE-BOTTOM [1] - 1675:9</p> <p>FAMILIES [4] - 1667:8, 1670:22, 1690:10, 1733:23</p> <p>FAMILY [4] - 1702:16, 1704:3, 1733:24, 1770:5</p> <p>FANNIN [1] - 1696:14</p> <p>FANTASY [1] - 1752:2</p> <p>FAR [2] - 1630:7, 1630:11</p> <p>FASHION [2] - 1738:22, 1740:24</p> <p>FAVOR [7] - 1728:25, 1729:1, 1729:2, 1733:4, 1733:16</p>	<p>FAVORS [1] - 1729:11</p> <p>FEBRUARY [1] - 1694:4</p> <p>FEDERAL [3] - 1709:13, 1722:13</p> <p>FEES [1] - 1770:2</p> <p>FELL [1] - 1704:18</p> <p>FELLOW [2] - 1648:15, 1648:20</p> <p>FELON [2] - 1722:8, 1722:23</p> <p>FELONS [1] - 1724:4</p> <p>FELONY [1] - 1726:24</p> <p>FELT [1] - 1729:3</p> <p>FEMALE [1] - 1661:7</p> <p>FEMALES [2] - 1700:21, 1702:24</p> <p>FERNANDO [19] - 1653:18, 1653:20, 1654:2, 1660:23, 1661:7, 1669:15, 1701:6, 1701:7, 1701:10, 1701:12, 1701:15, 1701:19, 1701:20, 1702:8, 1702:20, 1703:2, 1709:2, 1726:21, 1748:11</p> <p>FEW [5] - 1636:25, 1637:15, 1689:19, 1698:6, 1701:21</p> <p>FIGURED [1] - 1699:15</p> <p>FILED [1] - 1757:21</p> <p>FILL [2] - 1649:21, 1656:17</p> <p>FILTER [6] - 1711:10, 1711:11, 1711:24, 1714:24, 1726:16, 1727:13</p> <p>FINAL [8] - 1629:11, 1629:15, 1632:8, 1632:12, 1635:10, 1651:19, 1738:23</p> <p>FINALLY [4] - 1633:13, 1651:2, 1715:23, 1769:4</p> <p>FINANCES [1] - 1748:23</p> <p>FINANCIAL [2] - 1648:7, 1714:12</p> <p>FINDINGS [2] - 1635:22</p> <p>FINISH [3] - 1632:22, 1691:4, 1720:23</p> <p>FINISHED [1] - 1683:21</p> <p>FINITE [2] - 1712:11, 1714:9</p> <p>FIRST [40] - 1631:14,</p>	<p>1632:13, 1632:19, 1633:9, 1645:14, 1648:25, 1649:25, 1658:20, 1660:10, 1662:10, 1665:9, 1665:23, 1677:21, 1679:13, 1684:23, 1685:11, 1691:19, 1692:6, 1694:3, 1696:12, 1701:1, 1708:18, 1709:11, 1711:5, 1711:8, 1712:1, 1712:4, 1712:6, 1718:4, 1720:20, 1721:9, 1728:2, 1729:18, 1733:10, 1734:12, 1747:9, 1748:10, 1749:3, 1766:13</p> <p>FIVE [12] - 1631:19, 1631:24, 1651:1, 1651:4, 1651:11, 1651:17, 1661:22, 1662:21, 1677:16, 1727:7, 1729:11, 1765:5</p> <p>FIVE-MINUTE [1] - 1631:24</p> <p>FLESH [2] - 1709:24, 1710:2</p> <p>FLIP [2] - 1662:2, 1676:5</p> <p>FLIP'S [1] - 1662:7</p> <p>FLIPPED [1] - 1731:21</p> <p>FLOOR [1] - 1695:23</p> <p>FOCUS [4] - 1715:5, 1715:6, 1743:7</p> <p>FOGGY [1] - 1741:6</p> <p>FOLKS [4] - 1707:19, 1712:5, 1717:14, 1740:19</p> <p>FOLLOW [7] - 1633:7, 1633:14, 1633:17, 1633:22, 1688:7, 1691:7, 1751:22</p> <p>FOLLOWED [2] - 1708:22, 1723:1</p> <p>FOLLOWING [6] - 1644:1, 1645:13, 1650:7, 1650:19, 1753:9, 1753:10</p> <p>FOLLOWS [1] - 1649:24</p> <p>FOOTBALLS [4] - 1686:20, 1687:17, 1688:23, 1744:14</p> <p>FORD [1] - 1685:24</p> <p>FOREMAN [3] - 1639:11, 1649:8, 1768:12</p>	<p>FOREMOST [1] - 1691:19</p> <p>FORENSIC [7] - 1639:10, 1639:11, 1639:12, 1639:13, 1639:15, 1639:16, 1639:17</p> <p>FOREPERSON [3] - 1649:1, 1649:6, 1649:11</p> <p>FORM [8] - 1629:13, 1646:2, 1649:4, 1649:20, 1649:21, 1649:23, 1737:6, 1768:13</p> <p>FORMAL [3] - 1630:8, 1634:5, 1646:16</p> <p>FORMED [1] - 1712:21</p> <p>FORTH [1] - 1770:3</p> <p>FORWARD [1] - 1721:14</p> <p>FOUR [15] - 1649:19, 1659:7, 1659:22, 1660:13, 1661:22, 1662:15, 1662:18, 1664:13, 1685:20, 1685:21, 1685:22, 1686:3, 1701:22, 1711:22, 1729:23</p> <p>FOUR-DOOR [1] - 1662:18</p> <p>FOURTH [1] - 1645:24</p> <p>FOURTHS [4] - 1660:18, 1660:20, 1699:4, 1699:11</p> <p>FOUT [1] - 1639:16</p> <p>FRAME [2] - 1676:24, 1719:11</p> <p>FRAMES [2] - 1706:12, 1721:13</p> <p>FRANKLY [1] - 1711:23</p> <p>FREE [1] - 1729:12</p> <p>FREEDOM [1] - 1724:23</p> <p>FREQUENTLY [1] - 1754:23</p> <p>FRIDAY [1] - 1733:22</p> <p>FRIEND [3] - 1735:4, 1738:10, 1753:14</p> <p>FRIENDS [6] - 1697:22, 1697:23, 1698:4, 1704:18, 1708:4, 1770:5</p> <p>FRISCO [1] - 1675:15</p> <p>FRONT [8] - 1664:12, 1672:8, 1672:10, 1694:25, 1711:9, 1712:15, 1758:9</p>
F				
<p>FABRICATED [1] - 1753:3</p> <p>FABRICATION [1] - 1702:4</p> <p>FACE [9] - 1674:1, 1674:3, 1678:11,</p>				

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1786

FRONTED [3] - 1712:13, 1713:1, 1754:19	1665:8, 1667:11, 1670:3, 1674:16, 1728:24, 1728:25	1684:15	GRAND [4] - 1628:15, 1644:25, 1682:24, 1688:18	GUY [7] - 1656:2, 1673:13, 1685:23, 1689:24, 1741:12, 1747:4, 1758:6
FRONTING [1] - 1712:23	GIRLFRIENDS [1] - 1763:12	GOVERNMENT [60] - 1628:5, 1629:16, 1632:11, 1632:20, 1634:11, 1636:14, 1637:7, 1638:6, 1638:9, 1638:16, 1640:10, 1640:12, 1640:15, 1641:21, 1645:12, 1646:15, 1646:18, 1648:23, 1651:21, 1651:24, 1652:14, 1692:9, 1692:17, 1693:22, 1696:24, 1697:17, 1703:19, 1709:10, 1713:12, 1714:4, 1714:20, 1715:4, 1716:5, 1718:5, 1722:13, 1722:25, 1724:6, 1724:8, 1724:14, 1724:20, 1730:21, 1730:24, 1732:5, 1732:9, 1734:7, 1735:7, 1736:18, 1737:22, 1738:6, 1741:11, 1741:23, 1743:3, 1743:10, 1743:19, 1751:23, 1751:24, 1771:15, 1774:4, 1774:10	GRANITE [1] - 1629:4	GUYS [2] - 1747:5, 1761:10
FULL [1] - 1678:9	GIRLS [3] - 1741:7, 1741:8		GRANTED [1] - 1772:6	
FUNCTION [1] - 1635:6	GIVEN [12] - 1636:19, 1640:5, 1647:14, 1647:17, 1652:5, 1687:3, 1732:19, 1740:10, 1740:22, 1755:25, 1760:17, 1764:11		GRAY [1] - 1685:24	
FUNNY [1] - 1753:6			GREAT [4] - 1638:20, 1641:10, 1726:10, 1740:15	H
FURTHERANCE [1] - 1697:17			GREATER [1] - 1639:4	HABITS [2] - 1749:8, 1749:9
FURTHERMORE [1] - 1700:25			GRISHAM [1] - 1717:15	HABITUAL [1] - 1707:24
G	GLAMOUR [1] - 1703:10		GRISSOM [1] - 1717:18	HALF [4] - 1672:13, 1708:14, 1765:16, 1769:23
GAIN [1] - 1714:12	GOAL [7] - 1749:5, 1757:24, 1765:1, 1765:2, 1765:3, 1765:7		GRIZZLE [1] - 1639:13	HALF-OUNCE [1] - 1672:13
GAINESVILLE [1] - 1628:16	GOD [1] - 1734:18		GROUP [2] - 1714:17	HAND [3] - 1693:23, 1703:11, 1768:14
GAME [1] - 1759:15	GONNA [52] - 1678:21, 1680:13, 1688:22, 1689:23, 1693:23, 1701:16, 1701:17, 1701:24, 1708:8, 1711:6, 1711:22, 1711:25, 1712:9, 1712:18, 1713:7, 1713:8, 1713:17, 1715:4, 1715:9, 1715:19, 1720:7, 1720:25, 1722:16, 1722:21, 1724:10, 1724:11, 1724:20, 1725:9, 1729:2, 1729:11, 1729:14, 1733:3, 1741:23, 1746:24, 1747:15, 1749:24, 1754:23, 1754:24, 1755:2, 1755:3, 1756:9, 1756:15, 1756:16, 1756:20, 1757:4, 1757:9, 1762:3, 1763:16, 1764:6	GOVERNMENT'S [17] - 1632:16, 1634:14, 1634:17, 1643:19, 1643:22, 1692:13, 1700:16, 1704:22, 1708:11, 1712:7, 1724:13, 1772:6, 1774:12, 1774:13, 1774:14, 1774:15	GUARANTEES [1] - 1758:10	HANDCUFFED [1] - 1731:21
GARAGE [3] - 1675:23, 1675:24, 1697:5			GUESS [4] - 1703:13, 1703:23, 1703:24, 1734:8	HANDLE [1] - 1748:23
GARDEN [2] - 1678:10, 1680:11			GUIDE [1] - 1649:2	HANDLING [2] - 1660:2, 1660:5
GAS [5] - 1659:11, 1675:9, 1682:17, 1686:12, 1686:15			GUIDELINES [1] - 1770:24	HANDY [1] - 1707:10
GASOLINE [1] - 1686:19			GUILT [14] - 1634:6, 1634:15, 1634:18, 1636:14, 1638:25, 1640:19, 1688:10, 1689:17, 1689:19, 1713:21, 1762:15, 1762:20, 1762:22, 1763:4	HANGING [1] - 1698:17
GATHERINGS [1] - 1759:16			GUILTY [45] - 1634:11, 1638:12, 1638:19, 1638:24, 1640:16, 1640:22, 1641:4, 1642:21, 1645:11, 1648:8, 1648:9, 1648:24, 1649:7, 1649:8, 1650:3, 1650:4, 1650:6, 1650:18, 1651:14, 1689:17, 1691:10, 1711:18, 1711:25, 1713:22, 1714:25, 1715:18, 1727:14, 1744:21, 1748:17, 1748:18, 1748:25, 1750:6, 1762:16, 1763:6, 1764:12, 1764:18, 1764:23, 1765:18, 1768:18, 1768:24, 1769:6, 1770:15	HAPPY [1] - 1668:22
GENERAL [4] - 1633:9, 1642:4, 1698:18, 1760:25			GUNTER [1] - 1701:8	HARD [1] - 1716:25
GENEVIEVE [1] - 1639:17				HEAD [2] - 1745:8
GENTLEMEN [40] - 1632:6, 1649:19, 1651:10, 1651:19, 1652:2, 1654:4, 1668:18, 1688:22, 1689:16, 1689:21, 1690:1, 1690:11, 1691:4, 1691:18, 1710:11, 1711:4, 1727:22, 1730:22, 1736:10, 1738:23, 1742:23, 1743:4, 1743:24, 1745:21, 1746:10, 1750:7, 1750:22, 1751:20, 1754:11, 1755:20, 1758:15, 1760:18, 1763:23, 1764:2, 1765:13, 1765:21, 1766:24, 1768:15, 1769:14, 1769:20	GONZALEZ [22] - 1628:5, 1629:13, 1629:17, 1630:12, 1630:16, 1631:3, 1631:9, 1632:15, 1632:23, 1651:7, 1730:2, 1738:12, 1743:2, 1743:4, 1765:5, 1765:6, 1765:20, 1771:14, 1771:19, 1771:23, 1772:11, 1772:12			HEADQUARTERS [2] - 1753:24, 1754:2
GIRLFRIEND [8] - 1659:19, 1663:15,	GOTTA [2] - 1672:11,			HEADS [1] - 1669:12

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1787

1677:23, 1679:8,
1681:3, 1687:22,
1687:24, 1687:25,
1688:5, 1689:9,
1690:17, 1692:14,
1693:5, 1693:10,
1693:21, 1694:14,
1694:18, 1695:2,
1695:6, 1695:22,
1697:3, 1697:22,
1698:3, 1699:22,
1702:6, 1702:8,
1702:18, 1702:19,
1702:22, 1705:12,
1712:12, 1712:13,
1712:16, 1712:23,
1715:13, 1716:9,
1716:18, 1724:24,
1729:9, 1730:19,
1733:6, 1735:5,
1735:6, 1735:14,
1735:18, 1737:23,
1738:25, 1739:1,
1741:7, 1743:23,
1745:6, 1745:20,
1745:21, 1746:13,
1747:6, 1754:22,
1757:9, 1760:9,
1760:10, 1760:16,
1763:8, 1766:21
HEARING [2] -
1644:11, 1743:5
HEARINGS [1] -
1770:16
HEAVY [1] - 1634:15
HELD [1] - 1761:7
HELP [9] - 1637:15,
1649:2, 1655:3,
1697:17, 1720:20,
1720:25, 1722:3,
1724:25, 1725:6
HELPED [6] -
1656:24, 1659:12,
1665:14, 1666:14,
1666:20, 1688:24
HELPPFUL [1] - 1635:7
HEREAFTER [1] -
1641:23
HEREDITARY [1] -
1708:22
HERSELF [4] -
1664:3, 1675:2,
1702:12, 1708:8
HESITATE [3] -
1648:16, 1717:5,
1727:4
HESITATION [5] -
1634:24, 1697:2,
1721:3, 1726:5,
1727:5

HID [6] - 1673:16,
1686:25, 1723:3,
1734:13, 1739:11,
1762:25
HIDDEN [4] - 1655:18,
1684:2, 1689:9,
1762:11
HIDE [5] - 1673:18,
1675:6, 1675:8,
1758:16
HIDE-A-CAN [2] -
1675:6, 1675:8
HIDE-A-CANS [1] -
1673:18
HIDES [1] - 1689:15
HIDING [1] - 1689:5
HIERARCHY [1] -
1695:18
HIGH [5] - 1692:10,
1694:11, 1695:22,
1727:6, 1727:24
HIGHER [1] - 1754:24
HIGHEST [2] -
1692:11, 1701:22
HILL [1] - 1768:11
HIMSELF [11] -
1688:25, 1689:14,
1699:2, 1703:18,
1714:18, 1720:20,
1720:25, 1735:2,
1735:25, 1742:21,
1763:14
HIRED [1] - 1673:20
HISTORY [2] -
1720:19, 1758:17
HITTING [1] - 1732:11
HOANG [7] - 1654:11,
1656:12, 1657:12,
1657:17, 1685:23,
1686:2, 1735:8
HOLD [6] - 1727:10,
1727:13, 1751:13,
1753:18, 1761:16,
1763:19
HOME [8] - 1682:17,
1682:18, 1684:1,
1686:12, 1690:10,
1718:20, 1720:10,
1723:20
HONDA [24] -
1655:17, 1655:19,
1655:21, 1655:22,
1656:4, 1657:13,
1657:16, 1681:25,
1682:2, 1682:5,
1682:15, 1682:22,
1684:23, 1684:24,
1686:15, 1686:17,
1688:7, 1689:1,
1689:3, 1689:4,

1689:7, 1689:8,
1735:15
HONEST [5] - 1637:1,
1648:18, 1714:12,
1734:18, 1757:8
HONOR [25] -
1629:17, 1629:21,
1629:22, 1630:6,
1630:13, 1630:19,
1630:21, 1630:25,
1631:11, 1631:14,
1631:23, 1651:7,
1651:8, 1691:15,
1708:16, 1727:19,
1738:12, 1738:19,
1765:6, 1771:14,
1771:19, 1772:2,
1772:12, 1772:14,
1772:18
HONORABLE [1] -
1627:19
HOOK [1] - 1728:5
HOOKED [2] - 1671:1,
1674:23
HOOKING [1] - 1675:4
HOOTERS [1] -
1676:16
HOPE [3] - 1693:18,
1758:12, 1770:9
HOPEFULLY [2] -
1692:22, 1693:17
HOTELS [1] - 1674:17
HOUR [16] - 1630:14,
1630:15, 1630:17,
1630:18, 1631:1,
1631:6, 1632:18,
1632:19, 1632:21,
1766:4, 1766:5,
1766:6, 1767:22,
1771:4
HOURS [2] - 1710:17,
1736:24
HOUSE [224] -
1653:11, 1653:12,
1653:22, 1653:23,
1653:25, 1654:1,
1654:13, 1655:14,
1655:15, 1659:16,
1659:17, 1659:24,
1659:25, 1660:1,
1660:11, 1660:13,
1660:14, 1660:17,
1660:18, 1660:20,
1661:3, 1661:5,
1661:6, 1661:9,
1661:11, 1661:12,
1661:13, 1661:16,
1661:17, 1661:18,
1661:21, 1662:1,
1662:3, 1662:4,

1662:7, 1662:9,
1662:11, 1663:11,
1663:12, 1663:14,
1663:17, 1663:18,
1663:20, 1663:24,
1664:18, 1664:21,
1664:24, 1665:4,
1665:5, 1665:15,
1665:17, 1665:24,
1665:25, 1666:10,
1666:13, 1666:16,
1666:18, 1666:20,
1666:21, 1667:5,
1667:7, 1667:10,
1667:14, 1667:20,
1668:12, 1669:1,
1669:7, 1669:10,
1669:22, 1670:1,
1670:2, 1670:5,
1670:8, 1670:9,
1670:13, 1670:17,
1670:18, 1670:21,
1670:24, 1670:25,
1671:12, 1671:19,
1671:22, 1671:23,
1672:1, 1672:2,
1672:3, 1672:5,
1672:6, 1672:14,
1673:24, 1674:16,
1676:4, 1676:5,
1676:6, 1676:11,
1676:13, 1676:23,
1677:1, 1677:6,
1677:8, 1677:9,
1677:10, 1677:18,
1677:25, 1678:3,
1678:18, 1679:1,
1679:2, 1679:11,
1679:15, 1679:24,
1679:25, 1680:2,
1680:4, 1680:5,
1680:10, 1684:7,
1684:8, 1684:10,
1684:13, 1684:17,
1685:2, 1686:24,
1687:5, 1687:13,
1688:18, 1688:19,
1695:16, 1698:9,
1699:4, 1699:10,
1699:12, 1700:6,
1700:8, 1700:23,
1701:7, 1701:9,
1701:12, 1701:14,
1701:15, 1701:19,
1702:3, 1702:4,
1702:6, 1702:7,
1702:9, 1702:15,
1702:18, 1702:19,
1704:7, 1704:20,
1704:23, 1704:24,
1705:1, 1705:4,

1705:6, 1705:10,
1706:3, 1706:7,
1707:1, 1707:19,
1708:18, 1708:20,
1709:18, 1709:25,
1710:6, 1713:25,
1714:1, 1715:23,
1716:1, 1716:12,
1716:22, 1717:20,
1717:21, 1717:24,
1718:1, 1718:6,
1718:8, 1718:22,
1719:5, 1719:8,
1719:13, 1719:18,
1720:2, 1721:15,
1721:18, 1722:22,
1723:12, 1726:21,
1726:22, 1731:19,
1733:2, 1733:8,
1734:10, 1734:23,
1736:23, 1736:25,
1737:3, 1737:4,
1737:6, 1737:10,
1737:21, 1739:14,
1747:12, 1747:14,
1751:2, 1753:1,
1753:16, 1753:23,
1760:1, 1762:11
HOUSE'S [14] -
1660:14, 1661:15,
1664:22, 1664:25,
1665:2, 1665:8,
1665:9, 1665:10,
1667:5, 1667:10,
1669:15, 1677:13,
1699:11, 1702:14
HOUSES [1] - 1666:8
HUNDRED [7] -
1664:14, 1674:8,
1674:9, 1727:8,
1746:14, 1746:16,
1746:17
HUNDRED-DOLLAR
[1] - 1746:16
HUNG [2] - 1697:25,
1708:2
HURT [1] - 1729:2
HUSBAND [6] -
1662:2, 1676:8,
1676:17, 1679:12,
1723:1, 1723:20
HUSBANDS [1] -
1679:24
HYDROCODONE [1] -
1720:16
HYDROCODONES [1]
- 1720:15
HYPOTHETICALLY
[1] - 1738:20

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1788

I	INACCURATE [1] - 1709:23	1644:21, 1645:18, 1646:20, 1650:2, 1650:6, 1650:18, 1694:7, 1701:2, 1768:17, 1768:23, 1769:5	INSTEAD [1] - 1698:24	1743:5, 1770:10
ICE [4] - 1652:12, 1658:15, 1683:22, 1724:18	INCARCERATED [6] - 1665:16, 1667:8, 1667:9, 1670:23, 1699:13, 1704:1	INDIRECTLY [2] - 1645:15, 1712:2	INSTRUCTED [4] - 1644:5, 1685:10, 1729:5, 1740:11	INTERESTS [3] - 1647:3, 1693:8, 1702:5
ID [1] - 1741:10	INCARCERATION [1] - - 1660:16	INDIVIDUALLY [2] - 1641:3, 1769:16	INSTRUCTION [12] - 1629:14, 1629:23, 1629:24, 1629:25, 1630:3, 1633:20, 1693:5, 1726:6, 1738:4, 1740:11, 1760:18, 1770:6	INTERIM [1] - 1754:7
ID'D [2] - 1735:10, 1735:11	INCENTIVE [4] - 1718:2, 1725:12, 1725:13, 1758:3	INDIVIDUALS [11] - 1743:20, 1747:4, 1748:9, 1748:24, 1749:4, 1755:14, 1757:7, 1759:4, 1759:23, 1765:3, 1770:22	INSTRUCTIONS [35] - 1629:12, 1629:15, 1630:9, 1632:7, 1632:8, 1632:10, 1632:24, 1633:1, 1633:9, 1633:10, 1635:20, 1647:8, 1648:1, 1656:5, 1683:11, 1683:15, 1687:4, 1690:22, 1711:8, 1718:15, 1727:14, 1736:12, 1740:10, 1744:19, 1747:13, 1750:2, 1750:7, 1756:1, 1756:6, 1761:1, 1761:2, 1762:5, 1765:22, 1766:8, 1774:3	INTERNATIONAL [1] - 1628:21
ID'G [1] - 1735:9	INCIDENT [1] - 1642:16	INFANT [1] - 1757:24	INTENT [13] - 1643:9, 1645:1, 1645:16, 1645:22, 1648:4, 1648:5, 1652:10, 1712:21, 1714:7, 1760:19, 1760:21, 1764:23	INTERPRETATION [1] - - 1635:11
IDEA [3] - 1734:6, 1734:8, 1742:19	INCLUDE [5] - 1629:24, 1630:3, 1630:9, 1651:17, 1771:21	INFERENCE [3] - 1634:9, 1746:1, 1749:17	INTENTIONS [1] - 1748:5	INTERROGATION [1] - - 1641:16
IDENTIFICATION [4] - 1639:19, 1642:1, 1642:13, 1642:15	INCLUDING [4] - 1635:3, 1638:15, 1640:10, 1642:13	INFERENCES [3] - 1635:9, 1635:25, 1745:18	INTENTION [1] - 1647:17	INTERRUPTING [1] - 1630:6
IDENTIFIED [20] - 1643:19, 1653:8, 1654:24, 1655:7, 1656:2, 1657:4, 1662:5, 1663:6, 1666:10, 1667:18, 1668:11, 1681:15, 1681:20, 1682:9, 1685:23, 1696:10, 1705:15, 1706:11, 1735:10, 1747:7	INCONSISTENCIES [1] - 1724:3	INFORMANT [1] - 1716:2	INTENTIONALLY [6] - 1644:23, 1645:1, 1645:15, 1646:11, 1647:9, 1728:16	INTERVIEWED [3] - 1717:11, 1722:8, 1757:10
IDENTIFY [1] - 1643:23	INCONSISTENCY [1] - - 1722:7	INFORMANTS [2] - 1716:7, 1752:7	INTERACTING [1] - 1697:9	INTRODUCED [9] - 1657:12, 1666:18, 1677:7, 1698:14, 1698:16, 1698:17, 1721:16, 1723:7, 1723:9
IDENTIFYING [1] - 1644:4	INCORRECT [1] - 1644:13	INFORMATION [31] - 1716:4, 1716:6, 1716:7, 1722:25, 1727:2, 1727:3, 1738:2, 1739:21, 1745:4, 1752:7, 1752:9, 1752:10, 1752:15, 1757:5, 1757:11, 1757:13, 1757:14, 1758:15, 1760:21, 1762:10, 1762:12, 1763:13, 1764:5, 1764:10, 1765:9, 1770:1, 1770:19, 1770:22, 1770:23	INTEREST [3] - 1637:4, 1648:7, 1713:7	INTRODUCE [3] - 1678:2, 1680:9, 1719:17
IDENTITIES [1] - 1646:9	INCORRECTLY [1] - 1644:6	INFORMED [1] - 1767:16	INTERESTED [1] - 1770:10	INTRODUCES [1] - 1679:21
IDENTITY [3] - 1641:24, 1642:19, 1644:7	INCREASED [7] - 1655:1, 1659:2, 1659:5, 1659:7, 1659:9, 1662:22, 1672:23	INFREQUENTLY [1] - 1754:24	INTERESTING [6] - 1700:9, 1702:23, 1706:14, 1709:8,	INTRODUCTION [3] - 1662:12, 1674:4, 1723:4
III'S [1] - 1752:5	INCRIMINATING [2] - 1735:25	INITIAL [1] - 1654:9		INVESTIGATION [11] - 1681:7, 1681:19, 1697:18, 1715:12, 1716:4, 1742:14, 1752:16, 1752:17, 1752:24, 1757:12, 1762:10
ILLNESS [1] - 1766:19	INDEED [1] - 1634:6	INNOCENCE [2] - 1634:7, 1634:8		INVESTIGATIONS [1] - - 1717:9
IMAGINE [1] - 1722:12	INDEPENDENT [3] - 1700:21, 1713:24, 1752:5	INNOCENT [1] - 1711:17		INVESTIGATIVE [1] - 1717:3
IMMEDIATELY [5] - 1667:3, 1704:21, 1705:3, 1705:4, 1731:23	INDEPENDENTLY [1] - - 1699:17	INSIDE [4] - 1655:18, 1655:22, 1684:22, 1689:6		INVESTMENT [1] - 1694:9
IMPARTIAL [3] - 1634:20, 1648:15, 1726:2	INDICATE [3] - 1650:9, 1650:19, 1755:16	INSIGNIFICANT [1] - 1724:21		INVOLVED [34] - 1645:25, 1650:8, 1650:20, 1681:4, 1685:8, 1688:13, 1696:5, 1704:19, 1714:3, 1717:7, 1728:24, 1730:8, 1735:24, 1738:10, 1739:23, 1740:6, 1740:9, 1744:19, 1744:21, 1744:22, 1745:9, 1751:14, 1753:7, 1756:18, 1756:20, 1760:12, 1760:13, 1760:15, 1760:19, 1760:20, 1760:22, 1764:5,
IMPLICATE [1] - 1742:10	INDICATED [1] - 1703:15	INSTANCE [2] - 1696:21, 1698:7		
IMPLICATED [1] - 1739:25	INDICATING [1] - 1636:10			
IMPORTANT [16] - 1634:24, 1636:20, 1636:23, 1691:19, 1701:3, 1708:17, 1712:14, 1712:24, 1713:3, 1724:22, 1726:6, 1726:18, 1728:17, 1734:10, 1738:6, 1762:7	INDICATIONS [1] - 1763:4			
IMPRESS [1] - 1637:1	INDICATIVE [1] - 1762:16			
IN-PERSON [1] - 1694:5	INDICTED [1] - 1717:8			
	INDICTMENT [23] - 1634:5, 1638:8, 1640:7, 1640:14, 1640:19, 1642:24, 1643:2, 1643:6, 1643:11, 1643:13, 1644:15, 1644:18,			

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1789

1764:6, 1770:14 INVOLVEMENT [2] - 1656:14, 1743:12 IOWA [1] - 1736:2 IRONIC [1] - 1694:17 ISSUE [2] - 1639:22, 1744:4 ISSUES [1] - 1635:20 ITEMS [2] - 1762:10, 1762:11 ITSELF [2] - 1642:13, 1644:11	1756:4 JOBS [1] - 1715:8 JOE [4] - 1664:16, 1681:3, 1694:3, 1694:14 JOEL [1] - 1629:2 JOIN [2] - 1646:4, 1753:14 JOINED [2] - 1645:21, 1712:3 JOINS [1] - 1646:11 JOINT [3] - 1647:21, 1647:24, 1713:18 JOINTLY [1] - 1648:3 JOSH [2] - 1673:22, 1673:23 JUAN [65] - 1629:1, 1630:4, 1644:17, 1644:23, 1651:13, 1652:9, 1652:25, 1654:21, 1664:7, 1681:12, 1681:16, 1683:6, 1684:5, 1684:24, 1685:3, 1685:5, 1685:17, 1686:6, 1686:9, 1686:13, 1687:10, 1687:12, 1687:24, 1688:6, 1688:9, 1688:10, 1689:5, 1689:8, 1689:12, 1691:9, 1727:18, 1730:3, 1730:12, 1730:17, 1731:4, 1731:11, 1732:2, 1732:3, 1732:6, 1732:14, 1732:19, 1734:21, 1735:4, 1736:7, 1736:13, 1736:19, 1737:3, 1737:7, 1738:1, 1739:9, 1739:18, 1740:9, 1740:20, 1740:23, 1741:3, 1741:6, 1741:10, 1742:7, 1742:9, 1742:12, 1742:16, 1747:8, 1747:11, 1769:5, 1774:8 JUDGE [27] - 1627:19, 1628:2, 1633:11, 1640:2, 1690:23, 1710:5, 1747:25, 1750:1, 1750:2, 1751:5, 1752:14, 1752:16, 1755:24, 1755:25, 1756:5, 1758:15, 1760:17, 1761:2, 1763:12, 1763:24, 1764:11,	1764:14, 1764:20, 1764:21 JUDGES [9] - 1633:3, 1633:15, 1636:18, 1648:22, 1755:24, 1756:1, 1761:25 JUDGMENTS [1] - 1636:21 JULY [6] - 1674:7, 1702:19, 1705:6, 1705:11, 1719:13, 1722:5 JUMPS [1] - 1732:25 JUNE [11] - 1666:2, 1667:20, 1674:6, 1704:11, 1705:17, 1705:19, 1705:20, 1707:3, 1719:16, 1721:14, 1722:5 JUROR [1] - 1649:21 JURORS [11] - 1633:15, 1634:3, 1648:16, 1648:20, 1652:6, 1715:9, 1743:24, 1766:9, 1766:11, 1766:13, 1769:18 JURY [76] - 1627:11, 1629:12, 1629:15, 1629:23, 1630:9, 1632:1, 1632:2, 1632:4, 1632:7, 1632:10, 1632:24, 1633:1, 1633:2, 1633:4, 1639:4, 1639:21, 1644:19, 1644:25, 1646:2, 1648:25, 1649:7, 1649:17, 1649:23, 1650:3, 1652:2, 1690:22, 1691:18, 1710:15, 1710:19, 1710:21, 1710:22, 1710:23, 1711:8, 1718:15, 1727:22, 1738:21, 1755:25, 1756:5, 1761:1, 1761:2, 1765:22, 1766:1, 1766:12, 1766:15, 1766:17, 1766:20, 1767:1, 1767:3, 1767:6, 1767:7, 1767:12, 1767:15, 1767:17, 1767:24, 1768:2, 1768:5, 1768:6, 1768:9, 1768:11, 1768:12, 1768:18, 1768:19, 1768:24, 1768:25, 1769:5,	1769:11, 1769:21, 1769:24, 1770:9, 1771:2, 1771:12, 1774:3 JUSTICE [4] - 1652:6, 1690:16, 1692:12, 1757:22 JUSTIFIED [1] - 1636:1	K	1699:4, 1699:10, 1699:11, 1699:12, 1700:23, 1701:9, 1701:12, 1701:15, 1701:19, 1702:3, 1702:4, 1702:6, 1702:9, 1702:14, 1702:18, 1704:20, 1704:23, 1704:24, 1705:1, 1705:4, 1705:6, 1705:10, 1706:3, 1706:7, 1707:1, 1708:18, 1708:20, 1709:25, 1710:6, 1718:6, 1719:5, 1719:8, 1726:21, 1731:19, 1751:1, 1760:1, 1760:8 KENNETH'S [1] - 1664:24 KEPT [7] - 1654:12, 1668:1, 1668:3, 1670:15, 1676:2, 1679:2, 1683:17 KEVIN [2] - 1759:17, 1759:18 KEY [1] - 1689:15 KEYS [5] - 1689:3, 1689:6, 1689:7, 1735:19, 1762:24 KICKED [1] - 1733:8 KIDS [9] - 1668:1, 1694:10, 1694:11, 1707:17, 1707:18, 1707:20, 1707:23, 1723:19 KILLED [1] - 1723:2 KILO [8] - 1745:10, 1745:12, 1745:15, 1745:23, 1746:4, 1746:12, 1746:15, 1746:17 KILOGRAM [1] - 1661:2 KILOGRAMS [10] - 1656:7, 1657:11, 1671:19, 1685:20, 1685:21, 1685:23, 1686:3, 1686:4, 1688:17, 1761:19 KIM [1] - 1662:12 KIND [17] - 1646:5, 1692:21, 1695:2, 1695:17, 1697:9, 1702:15, 1706:16, 1707:24, 1711:10, 1713:24, 1714:3, 1714:19, 1715:3, 1718:25, 1725:3,
J	JAIL [41] - 1657:7, 1659:22, 1661:21, 1663:19, 1663:20, 1663:23, 1664:2, 1667:5, 1667:11, 1667:13, 1668:10, 1668:14, 1668:22, 1670:18, 1670:24, 1670:25, 1671:23, 1672:6, 1672:18, 1676:17, 1677:1, 1677:6, 1677:8, 1679:13, 1679:14, 1679:15, 1679:25, 1695:11, 1696:15, 1702:6, 1719:5, 1719:9, 1719:13, 1719:21, 1720:25, 1722:17, 1723:8, 1723:15 JAMES [20] - 1628:19, 1660:3, 1660:7, 1664:1, 1664:16, 1666:6, 1668:13, 1670:7, 1695:16, 1699:18, 1701:13, 1704:14, 1704:16, 1704:25, 1706:3, 1706:6, 1706:15, 1714:17, 1717:16, 1751:1 JANUARY [7] - 1640:9, 1664:3, 1685:9, 1699:7, 1700:13, 1717:8, 1719:8 JENNIFER [1] - 1639:14 JERRY [1] - 1773:8 JERSEY [1] - 1727:25 JOB [11] - 1636:13, 1636:20, 1637:17, 1668:2, 1668:6, 1709:22, 1730:5, 1730:22, 1730:23,			KEEP [15] - 1638:19, 1654:13, 1668:21, 1669:20, 1669:21, 1690:11, 1690:19, 1691:2, 1702:13, 1704:2, 1710:11, 1711:13, 1726:8, 1740:13, 1767:25 KEEPS [2] - 1733:3, 1741:16 KEITH [1] - 1629:2 KELLEY [1] - 1773:8 KEMP [14] - 1628:13, 1629:20, 1630:6, 1631:13, 1631:14, 1632:14, 1691:13, 1691:15, 1708:14, 1708:16, 1710:10, 1772:3, 1772:15, 1772:16 KENNETH [93] - 1653:11, 1653:12, 1653:22, 1653:23, 1659:23, 1660:13, 1660:14, 1660:18, 1660:20, 1661:5, 1661:6, 1661:9, 1661:10, 1661:12, 1661:13, 1661:15, 1661:16, 1661:17, 1661:18, 1661:21, 1663:11, 1663:16, 1663:18, 1663:20, 1664:18, 1664:21, 1664:25, 1665:1, 1665:15, 1666:13, 1666:16, 1666:18, 1667:5, 1667:14, 1669:7, 1669:10, 1669:22, 1670:9, 1670:13, 1670:17, 1671:22, 1672:1, 1672:2, 1676:5, 1676:6, 1676:23, 1677:6, 1677:7, 1677:9, 1677:13, 1678:18, 1679:25, 1695:16, 1698:9,	

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1790

1731:16, 1761:3 KINDS [3] - 1647:12, 1693:14, 1695:24 KISHA [39] - 1653:24, 1654:1, 1662:5, 1662:6, 1662:9, 1662:10, 1662:13, 1670:18, 1670:20, 1677:15, 1677:23, 1677:24, 1678:1, 1678:13, 1678:14, 1678:16, 1678:20, 1678:22, 1678:24, 1678:25, 1679:1, 1679:6, 1679:7, 1679:8, 1680:16, 1680:22, 1702:13, 1714:1, 1716:21, 1718:1, 1719:17, 1721:14, 1721:18, 1722:6, 1723:6, 1723:19, 1726:22 KNOWING [2] - 1646:8, 1688:12 KNOWINGLY [8] - 1641:8, 1644:23, 1644:25, 1645:15, 1646:11, 1647:7, 1647:13, 1647:17 KNOWLEDGE [12] - 1636:8, 1639:20, 1639:22, 1646:25, 1647:4, 1713:16, 1720:12, 1720:13, 1739:16, 1739:17, 1740:22, 1744:16 KNOWN [10] - 1642:11, 1644:24, 1653:19, 1656:20, 1658:3, 1660:24, 1662:20, 1669:16, 1671:21, 1676:5 KNOWS [13] - 1668:20, 1668:21, 1687:15, 1697:12, 1720:20, 1732:9, 1736:14, 1744:11, 1756:16, 1757:12, 1757:14, 1760:13, 1760:14 KYLE [1] - 1628:13	1654:4, 1668:18, 1688:21, 1689:16, 1689:21, 1689:25, 1690:11, 1691:4, 1691:18, 1710:11, 1711:4, 1727:22, 1730:22, 1736:10, 1738:23, 1742:23, 1743:4, 1743:24, 1745:20, 1746:9, 1750:7, 1750:22, 1751:20, 1754:10, 1755:20, 1758:15, 1760:18, 1763:22, 1764:2, 1765:13, 1765:21, 1766:24, 1768:15, 1769:14, 1769:20 LADY [1] - 1701:7 LAID [1] - 1748:12 LAKE [2] - 1685:14, 1728:7 LANE [3] - 1685:22, 1686:5, 1696:16 LARGE [4] - 1656:19, 1694:9, 1694:12 LARGER [3] - 1694:10, 1746:25, 1748:19 LAST [8] - 1704:16, 1722:8, 1722:20, 1728:12, 1730:4, 1730:17, 1769:23 LATE [1] - 1678:24 LAUNDRY [4] - 1684:2, 1686:21, 1686:25, 1688:23 LAW [37] - 1628:14, 1628:20, 1629:3, 1633:7, 1633:12, 1633:18, 1633:23, 1634:7, 1635:21, 1636:11, 1655:23, 1655:25, 1658:9, 1662:4, 1662:6, 1670:21, 1679:5, 1679:23, 1684:20, 1694:5, 1709:16, 1711:9, 1722:13, 1730:22, 1731:18, 1732:7, 1733:13, 1746:22, 1755:25, 1762:15, 1764:10, 1764:14, 1764:19, 1764:21 LAWFUL [2] - 1638:13, 1691:2 LAWS [1] - 1645:9 LAWYERS [7] - 1632:9, 1632:21,	1635:5, 1635:6, 1635:12, 1738:24, 1771:7 LAYS [2] - 1730:13, 1745:2 LEAD [5] - 1636:3, 1732:15, 1745:2, 1745:19, 1758:23 LEADING [2] - 1740:24, 1744:3 LEADS [2] - 1684:20, 1714:24 LEARN [2] - 1683:15, 1701:3 LEARNED [5] - 1700:25, 1727:23, 1727:25, 1737:5, 1770:20 LEARNING [1] - 1693:18 LEAST [2] - 1657:10, 1658:8 LEAVE [3] - 1631:2, 1631:9, 1682:22 LEAVING [3] - 1677:17, 1680:6, 1685:4 LED [2] - 1738:8, 1738:17 LEDGER [1] - 1700:17 LEDON [12] - 1628:18, 1642:23, 1643:1, 1643:5, 1643:9, 1643:11, 1643:14, 1643:15, 1644:16, 1644:22, 1651:13, 1768:24 LEERY [1] - 1677:3 LEFT [4] - 1686:23, 1693:15, 1755:11, 1760:10 LEGALLY [1] - 1635:17 LENGTH [2] - 1642:8, 1642:15 LESS [6] - 1634:4, 1651:2, 1651:4, 1651:11, 1651:17, 1757:24 LESSER [3] - 1638:10, 1657:8, 1672:12 LIAR [3] - 1708:20, 1709:19, 1720:8 LIARS [1] - 1690:7 LIBERTY [1] - 1724:23 LIE [7] - 1690:15, 1720:7, 1720:8, 1720:9, 1720:10, 1757:2, 1757:25 LIED [1] - 1723:1	LIES [3] - 1692:18, 1709:24, 1720:4 LIFE [7] - 1695:23, 1697:15, 1709:15, 1726:18, 1727:23, 1728:10, 1730:8 LIFE'S [1] - 1745:20 LIGHT [3] - 1636:1, 1723:14, 1749:22 LIKELY [1] - 1746:24 LIMITED [3] - 1643:3, 1643:17, 1643:25 LINE [7] - 1692:8, 1747:9, 1748:10, 1749:3, 1755:20, 1755:22, 1768:20 LINK [2] - 1759:21 LIQUID [2] - 1683:20, 1687:7 LIST [6] - 1701:2, 1737:24, 1767:10, 1767:11, 1771:17, 1771:19 LISTEN [4] - 1644:2, 1687:9, 1743:15, 1744:2 LISTENED [1] - 1732:5 LISTENING [1] - 1691:24 LIVE [1] - 1704:4 LIVED [14] - 1654:15, 1657:20, 1657:22, 1661:3, 1661:24, 1665:6, 1665:21, 1666:1, 1668:4, 1672:15, 1672:22, 1676:11, 1704:2, 1737:1 LIVES [3] - 1704:6, 1727:7, 1733:24 LIVING [16] - 1654:8, 1665:23, 1669:25, 1673:13, 1675:18, 1677:11, 1689:6, 1695:22, 1695:23, 1700:15, 1704:12, 1707:3, 1707:4, 1707:8, 1718:24, 1733:13 LOANED [4] - 1686:16, 1689:2, 1735:22, 1735:23 LOCAL [1] - 1694:5 LOCATED [2] - 1658:10, 1686:21 LOCATION [11] - 1654:14, 1663:16, 1666:9, 1669:6, 1682:16, 1684:18,	1686:12, 1687:20, 1688:4, 1737:5, 1762:24 LOCATIONS [4] - 1661:9, 1677:18, 1736:25, 1752:13 LOCKED [3] - 1653:12, 1653:24, 1760:11 LODGE [1] - 1630:8 LOFT [2] - 1695:23, 1696:16 LOGIC [2] - 1754:10, 1754:16 LOOK [35] - 1682:20, 1688:4, 1693:2, 1697:1, 1704:16, 1710:4, 1712:6, 1712:9, 1713:4, 1713:11, 1713:14, 1713:23, 1714:8, 1714:24, 1717:25, 1718:16, 1719:4, 1720:3, 1720:19, 1721:1, 1722:22, 1723:22, 1724:2, 1725:15, 1725:25, 1740:10, 1741:15, 1743:16, 1743:18, 1746:5, 1750:21, 1756:6, 1758:24, 1762:3 LOOKED [2] - 1686:20, 1703:9 LOOKING [6] - 1690:15, 1698:22, 1704:19, 1743:15, 1757:23, 1763:16 LOSE [2] - 1746:8, 1749:19 LOST [2] - 1748:8, 1754:7 LOVE [1] - 1729:4 LOYAL [3] - 1740:3, 1753:5, 1753:11 LOYALTY [1] - 1753:8 LUCRATIVE [1] - 1746:11 LUNCH [13] - 1765:24, 1765:25, 1766:2, 1766:3, 1766:4, 1766:5, 1766:6, 1766:25, 1767:8, 1767:17, 1767:19, 1767:21, 1767:23 LYING [2] - 1690:8, 1757:3
L				
LAB [1] - 1683:2 LACK [2] - 1730:19, 1730:20 LADIES [40] - 1632:6, 1649:19, 1651:10, 1651:19, 1652:2,				

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1791

M	MARK [1] - 1639:9 MARRIED [3] - 1661:12, 1676:5, 1679:9 MARSHAL [1] - 1772:8 MASTER [3] - 1707:10, 1707:11, 1707:14 MATA [42] - 1654:20, 1681:3, 1681:7, 1681:14, 1681:19, 1681:23, 1682:4, 1682:7, 1682:25, 1684:3, 1688:5, 1688:10, 1688:20, 1689:1, 1689:20, 1694:3, 1694:14, 1717:15, 1731:6, 1731:10, 1731:14, 1732:10, 1732:17, 1734:21, 1737:7, 1737:9, 1738:8, 1738:17, 1739:9, 1740:23, 1742:9, 1744:24, 1744:25, 1745:3, 1745:7, 1747:18, 1752:3, 1753:3, 1754:3, 1763:15 MATCH [2] - 1759:8, 1759:10 MATCHES [1] - 1758:21 MATH [1] - 1693:15 MATTER [2] - 1748:8, 1764:19 MATTERS [4] - 1639:24, 1642:7, 1720:24, 1764:19 MCDONALD [1] - 1639:10 MCDONALD'S [1] - 1668:25 MCKINNEY [2] - 1663:3, 1668:25 MEAN [12] - 1636:16, 1640:1, 1693:12, 1698:6, 1698:22, 1704:6, 1705:1, 1735:21, 1740:8, 1748:19, 1750:10, 1750:14 MEANS [5] - 1647:8, 1648:4, 1684:10, 1728:15, 1750:11 MEANTIME [1] - 1766:22 MEDICATION [3] - 1725:5, 1725:9, 1725:14 MEDINA [1] - 1639:17 MEET [21] - 1659:6, 1659:10, 1665:5, 1665:15, 1671:12, 1673:9, 1673:15, 1676:16, 1676:19, 1677:17, 1677:19, 1678:7, 1678:10, 1678:15, 1680:7, 1682:15, 1686:2, 1686:9, 1698:5, 1700:4, 1704:7 MEETING [5] - 1659:2, 1674:3, 1680:7, 1701:12, 1723:18 MEETINGS [1] - 1694:5 MEETS [1] - 1682:18 MELISSA [14] - 1660:4, 1660:6, 1664:10, 1666:6, 1668:13, 1698:11, 1698:12, 1698:13, 1699:18, 1700:19, 1704:14, 1705:16, 1705:20, 1706:15 MELVIN [8] - 1670:11, 1670:15, 1670:17, 1670:19, 1673:22, 1679:9, 1679:14, 1679:16 MEMBER [9] - 1646:5, 1646:6, 1646:7, 1650:12, 1650:13, 1690:3, 1694:15, 1761:4, 1761:5 MEMBERS [4] - 1633:2, 1646:21, 1652:3, 1770:5 MEMORIES [1] - 1726:23 MEMORY [12] - 1637:8, 1703:16, 1718:14, 1718:17, 1720:17, 1720:22, 1721:22, 1722:9, 1727:2, 1739:1 MEN [1] - 1755:10 MENTAL [1] - 1641:15 MENTION [1] - 1717:18 MENTIONED [5] - 1642:3, 1709:9, 1709:11, 1716:3, 1719:12 MENTIONING [1] - 1693:14 MENTIONS [1] - 1687:16 MERE [4] - 1646:24, 1646:25, 1648:20, 1693:6 MERELY [1] - 1639:25 MERIT [1] - 1727:24 MESSAGE [2] - 1649:11, 1649:14 MESSING [8] - 1653:14, 1660:3, 1665:18, 1668:14, 1668:21, 1671:7, 1695:7, 1703:23 MET [39] - 1654:1, 1658:18, 1659:25, 1660:10, 1661:5, 1661:7, 1661:23, 1662:6, 1662:8, 1662:9, 1662:10, 1662:12, 1665:22, 1665:23, 1668:6, 1668:24, 1669:6, 1669:16, 1670:25, 1671:1, 1672:1, 1673:25, 1674:1, 1675:18, 1677:4, 1679:24, 1686:13, 1686:19, 1696:12, 1698:7, 1698:11, 1700:8, 1700:22, 1701:7, 1705:17, 1729:7, 1742:18, 1742:20, 1759:2 METH [8] - 1670:8, 1675:7, 1681:15, 1682:6, 1686:3, 1702:7, 1722:9, 1729:15 METHAMPHETAMIN E [233] - 1645:3, 1645:4, 1645:16, 1645:18, 1645:25, 1646:1, 1650:8, 1650:10, 1650:13, 1650:22, 1650:23, 1650:25, 1651:1, 1651:3, 1651:11, 1651:18, 1652:11, 1652:12, 1652:20, 1653:2, 1653:5, 1653:18, 1653:20, 1654:2, 1654:4, 1654:10, 1654:12, 1654:17, 1654:22, 1654:23, 1655:1, 1655:2, 1655:4, 1655:6, 1655:8, 1655:11, 1655:13, 1656:8, 1656:11, 1656:15, 1656:16, 1656:17, 1656:25, 1657:1, 1657:4, 1657:6, 1657:11, 1657:19, 1657:21, 1657:23, 1657:25, 1658:1, 1658:6, 1658:8, 1658:10, 1658:12, 1658:15, 1658:18, 1658:19, 1658:20, 1658:22, 1658:24, 1658:25, 1659:13, 1659:14, 1659:19, 1660:7, 1660:16, 1660:22, 1660:25, 1661:2, 1661:9, 1661:16, 1661:19, 1661:24, 1661:25, 1662:14, 1662:24, 1663:1, 1663:5, 1663:8, 1663:10, 1663:17, 1664:12, 1664:20, 1664:22, 1665:2, 1665:3, 1665:7, 1666:5, 1666:7, 1666:11, 1666:13, 1666:15, 1666:17, 1666:21, 1666:23, 1667:2, 1667:14, 1667:25, 1669:8, 1669:10, 1669:23, 1670:4, 1670:6, 1670:10, 1671:16, 1671:18, 1671:19, 1671:25, 1672:4, 1672:9, 1672:15, 1672:18, 1672:21, 1673:1, 1673:5, 1673:6, 1673:7, 1673:17, 1673:21, 1673:25, 1674:5, 1674:10, 1674:13, 1674:14, 1674:18, 1674:20, 1674:22, 1675:14, 1675:20, 1675:22, 1675:24, 1676:9, 1676:12, 1676:18, 1676:20, 1676:25, 1677:2, 1677:16, 1677:20, 1678:8, 1678:23, 1679:3, 1679:6, 1679:11, 1679:12, 1679:17, 1679:20, 1680:3, 1680:5, 1680:8, 1680:15, 1680:18, 1680:20, 1680:21, 1680:24, 1681:1, 1681:5, 1681:8, 1681:10, 1682:8, 1682:11, 1682:12, 1682:13,
---	--

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1792

1682:19, 1682:20, 1682:22, 1683:7, 1683:10, 1683:13, 1683:21, 1683:22, 1684:1, 1684:9, 1684:11, 1684:19, 1685:8, 1685:21, 1686:4, 1686:7, 1686:11, 1686:14, 1686:21, 1686:25, 1687:1, 1687:4, 1687:5, 1687:6, 1687:7, 1688:18, 1688:20, 1688:23, 1690:4, 1691:10, 1698:15, 1699:3, 1701:25, 1707:11, 1707:24, 1721:21, 1721:23, 1722:10, 1722:20, 1722:23, 1723:2, 1723:15, 1723:23, 1724:5, 1745:10, 1745:12, 1745:15, 1745:23, 1746:4, 1746:5, 1746:12, 1746:15, 1746:17, 1761:20, 1761:21, 1764:24, 1765:1, 1768:22, 1768:25, 1769:2, 1769:3, 1769:7, 1769:9, 1769:10	1658:13, 1658:18, 1659:9, 1660:5, 1665:10, 1665:13, 1665:14, 1665:15, 1666:18, 1666:19, 1666:21, 1667:9, 1667:11, 1667:15, 1667:16, 1668:7, 1668:8, 1668:10, 1668:16, 1668:24, 1671:1, 1671:6, 1671:8, 1672:4, 1672:19, 1677:4, 1677:8, 1696:5, 1696:8, 1696:17, 1697:8, 1697:19, 1697:21, 1697:24, 1698:5, 1698:7, 1698:14, 1698:20, 1698:21, 1699:1, 1699:5, 1699:7, 1699:16, 1699:19, 1700:9, 1700:12, 1700:14, 1700:20, 1701:5, 1703:3, 1703:23, 1706:20, 1708:1, 1708:2, 1708:3, 1708:10	1708:15, 1710:16, 1710:17, 1765:5, 1766:3, 1766:5, 1766:7, 1768:5, 1771:4 MISSY [2] - 1666:6, 1705:20 MISTAKE [2] - 1643:16, 1647:9 MIXTURE [10] - 1645:2, 1645:17, 1645:25, 1650:21, 1650:24, 1651:2, 1652:11, 1768:21, 1769:1, 1769:8 MOMENT [1] - 1738:16 MONEY [67] - 1654:12, 1656:11, 1656:13, 1657:21, 1658:7, 1659:15, 1667:22, 1668:2, 1670:7, 1670:9, 1673:4, 1676:18, 1677:9, 1677:19, 1678:7, 1680:6, 1680:10, 1681:13, 1681:14, 1681:21, 1682:6, 1685:10, 1685:11, 1685:15, 1685:17, 1685:25, 1688:14, 1695:7, 1700:3, 1703:24, 1704:15, 1712:23, 1713:2, 1714:5, 1714:10, 1714:13, 1714:14, 1716:12, 1729:18, 1729:19, 1732:20, 1733:14, 1733:15, 1733:19, 1733:20, 1733:23, 1734:4, 1734:5, 1734:8, 1736:1, 1736:5, 1736:20, 1741:4, 1745:6, 1745:16, 1746:20, 1747:1, 1748:24, 1749:7, 1749:18, 1749:19, 1751:10, 1752:4, 1761:13, 1761:14, 1765:11	1659:23, 1663:22, 1665:18, 1672:8, 1703:13, 1703:14, 1703:17, 1718:18, 1770:12 MORNING [4] - 1652:2, 1691:18, 1711:4, 1725:4 MOST [15] - 1634:24, 1635:7, 1689:22, 1696:22, 1697:15, 1698:24, 1702:24, 1704:18, 1708:17, 1709:14, 1726:5, 1742:17, 1749:13, 1770:15 MOSTLY [1] - 1758:18 MOTHER [3] - 1666:10, 1704:5, 1733:13 MOTHER'S [1] - 1665:25 MOTHER-IN-LAW [1] - 1733:13 MOTION [2] - 1771:15, 1772:6 MOTIVATES [1] - 1723:25 MOTIVE [4] - 1643:12, 1715:7, 1717:21, 1721:1 MOUSE [1] - 1692:22 MOUTH [1] - 1707:23 MOVE [3] - 1684:15, 1684:25, 1687:19 MOVED [7] - 1659:15, 1665:25, 1667:20, 1670:2, 1753:1, 1762:22 MOVES [2] - 1688:7, 1689:14 MOVING [4] - 1684:23, 1693:12, 1701:20, 1703:5 MULTIPLE [8] - 1629:14, 1629:24, 1630:3, 1630:8, 1630:9, 1662:17, 1692:15, 1705:12 MULTIPLE- CONSPIRACIES [1] - 1629:24 MULTIPLE- CONSPIRACY [1] - 1630:3 MUST [25] - 1633:7, 1633:21, 1634:12, 1635:2, 1635:14, 1635:16, 1636:15, 1636:16, 1639:3,	1640:1, 1641:21, 1641:23, 1642:20, 1642:25, 1645:12, 1646:20, 1648:9, 1648:14, 1650:6, 1650:7, 1650:19, 1703:25, 1731:13, 1737:5
N				
NAME [10] - 1655:24, 1661:11, 1673:11, 1676:1, 1696:23, 1709:9, 1709:12, 1716:3, 1719:12, 1759:17 NAMED [6] - 1638:7, 1661:7, 1701:8, 1729:9, 1733:11, 1738:11 NAMES [5] - 1700:18, 1701:1, 1701:3, 1708:12, 1731:22 NARCOTICS [4] - 1639:19, 1697:20, 1713:19, 1716:11 NATURE [1] - 1646:10 NAUSEAM [3] - 1690:13, 1724:9, 1756:24 NEAR [6] - 1640:13, 1657:20, 1658:10, 1663:8, 1685:14, 1685:22 NECESSARILY [5] - 1638:2, 1647:3, 1693:8, 1706:10, 1711:13 NECESSARY [2] - 1634:15, 1643:9 NEED [26] - 1646:15, 1646:18, 1649:10, 1651:15, 1707:8, 1710:12, 1711:11, 1711:12, 1711:23, 1712:19, 1713:11, 1715:20, 1722:17, 1724:24, 1724:25, 1725:5, 1725:6, 1727:10, 1729:1, 1731:23, 1732:22, 1736:3, 1738:25, 1766:5, 1769:14, 1770:1 NEEDED [7] - 1655:20, 1681:24, 1728:24, 1728:25, 1729:1, 1742:9, 1766:11				

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1793

<p>NEEDS [6] - 1682:11, 1684:12, 1688:2, 1720:20, 1721:25, 1760:22</p> <p>NEGOTIATED [2] - 1754:21, 1754:22</p> <p>NEGOTIATION [2] - 1754:22, 1754:25</p> <p>NEIGHBOR [3] - 1659:21, 1672:16, 1677:12</p> <p>NEIGHBORS [1] - 1770:5</p> <p>NEVER [30] - 1638:21, 1639:6, 1648:10, 1649:16, 1687:11, 1687:14, 1692:14, 1695:2, 1696:12, 1698:7, 1701:8, 1702:1, 1702:18, 1702:19, 1702:21, 1706:7, 1706:11, 1708:21, 1708:22, 1709:8, 1713:1, 1713:2, 1713:3, 1722:25, 1726:10, 1726:13, 1740:15, 1742:18, 1742:20</p> <p>NEW [3] - 1704:20, 1711:5, 1727:25</p> <p>NEWBERRY [1] - 1710:21</p> <p>NEWS [1] - 1741:22</p> <p>NEXT [19] - 1642:16, 1649:19, 1650:24, 1660:23, 1662:25, 1665:6, 1666:1, 1668:4, 1672:16, 1677:12, 1678:18, 1682:23, 1686:24, 1704:2, 1704:12, 1721:4, 1766:3, 1766:7, 1768:20</p> <p>NEXT-DOOR [2] - 1672:16, 1677:12</p> <p>NGUYEN [37] - 1652:22, 1653:2, 1654:6, 1654:17, 1654:25, 1655:5, 1655:10, 1655:12, 1655:17, 1656:5, 1656:11, 1656:13, 1657:16, 1658:14, 1663:4, 1663:5, 1663:7, 1664:5, 1664:13, 1681:7, 1681:15, 1681:18, 1686:17, 1695:21, 1695:22, 1697:7, 1697:13, 1697:21,</p>	<p>1717:15, 1735:9, 1748:11, 1748:15, 1759:24, 1762:23, 1762:25</p> <p>NGUYEN'S [13] - 1653:4, 1655:9, 1655:14, 1655:23, 1655:25, 1656:1, 1656:10, 1657:18, 1658:7, 1663:8, 1681:22, 1685:24</p> <p>NICHOLAS [1] - 1639:13</p> <p>NINE [1] - 1662:22</p> <p>NOBODY [3] - 1725:1, 1736:15, 1758:4</p> <p>NONE [6] - 1695:1, 1695:5, 1695:14, 1725:18, 1756:3, 1756:4</p> <p>NONETHELESS [1] - 1702:11</p> <p>NORMALLY [2] - 1766:2, 1684:11</p> <p>NORTH [2] - 1657:2, 1700:22</p> <p>NORTHPARK [6] - 1654:16, 1657:20, 1658:10, 1663:9, 1685:14, 1695:24</p> <p>NOTE [3] - 1630:10, 1640:7, 1767:8</p> <p>NOTEPAD [1] - 1691:24</p> <p>NOTES [4] - 1628:1, 1691:23, 1739:1, 1769:25</p> <p>NOTHING [7] - 1634:4, 1717:18, 1732:10, 1737:8, 1741:18, 1742:1</p> <p>NOTICE [1] - 1635:9</p> <p>NOTICED [1] - 1694:24</p> <p>NOTION [1] - 1633:22</p> <p>NOTIONS [1] - 1764:17</p> <p>NOVEMBER [9] - 1657:19, 1676:15, 1676:21, 1676:23, 1678:17, 1678:19, 1717:7, 1718:8, 1719:5</p> <p>NUMBER [8] - 1649:1, 1686:8, 1694:12, 1699:7, 1699:8, 1737:24, 1745:7</p> <p>NUMBERS [3] - 1693:15, 1710:8, 1749:20</p>	<p>NUMERICALLY [1] - 1649:17</p> <p>NUMEROUS [4] - 1700:9, 1736:18, 1736:19, 1749:4</p> <p>O</p> <p>OATH [2] - 1634:2, 1763:17</p> <p>OBJECT [2] - 1629:23, 1738:12</p> <p>OBJECTION [6] - 1630:2, 1630:8, 1772:1, 1772:2, 1772:3, 1772:4</p> <p>OBJECTIONS [6] - 1629:16, 1629:17, 1629:19, 1629:20, 1635:5, 1635:13</p> <p>OBJECTIVES [1] - 1646:23</p> <p>OBLONG [1] - 1686:22</p> <p>OBLONG-SHAPED [1] - 1686:22</p> <p>OBSERVATION [1] - 1702:23</p> <p>OBSERVE [4] - 1642:5, 1642:8, 1642:17, 1717:1</p> <p>OBSERVED [1] - 1642:11</p> <p>OBSTRUCTION [2] - 1690:16, 1757:21</p> <p>OBTAIN [2] - 1654:3, 1679:20</p> <p>OBTAINED [3] - 1658:19, 1676:12, 1682:25</p> <p>OBTAINING [1] - 1654:2</p> <p>OBVIOUSLY [13] - 1692:10, 1693:11, 1694:9, 1695:18, 1699:10, 1701:8, 1705:3, 1705:19, 1711:21, 1714:13, 1717:23, 1721:4, 1752:12</p> <p>OCCASION [7] - 1646:12, 1655:16, 1675:22, 1682:10, 1744:20, 1744:23</p> <p>OCCASIONALLY [1] - 1766:11</p> <p>OCCASIONS [7] - 1642:25, 1643:8, 1688:14, 1688:16, 1736:19, 1745:7</p>	<p>OCCUPATION [1] - 1641:14</p> <p>OCCURRED [3] - 1666:2, 1690:25, 1731:13</p> <p>OCTOBER [1] - 1664:18</p> <p>OFFENSE [9] - 1638:11, 1638:24, 1640:8, 1640:18, 1641:22, 1641:25, 1642:20, 1644:17, 1764:12</p> <p>OFFENSES [3] - 1641:22, 1641:25, 1743:20</p> <p>OFFENSIVE [1] - 1715:3</p> <p>OFFER [1] - 1735:3</p> <p>OFFERED [3] - 1639:19, 1760:23, 1771:20</p> <p>OFFICE [2] - 1628:8, 1770:11</p> <p>OFFICER [17] - 1632:2, 1649:12, 1710:14, 1710:22, 1717:16, 1717:18, 1762:18, 1762:19, 1766:1, 1767:5, 1767:17, 1768:8, 1768:14, 1770:18, 1771:2, 1771:11</p> <p>OFFICIAL [1] - 1773:9</p> <p>OLIVE [2] - 1678:10, 1680:11</p> <p>ONCE [22] - 1656:15, 1659:21, 1659:25, 1662:2, 1665:13, 1665:18, 1667:12, 1669:10, 1671:19, 1671:23, 1684:8, 1687:16, 1689:9, 1700:9, 1705:2, 1713:5, 1723:13, 1743:18, 1757:17, 1764:8, 1764:9, 1770:24</p> <p>ONE [126] - 1633:3, 1633:20, 1636:7, 1637:21, 1637:23, 1638:15, 1641:3, 1644:17, 1646:7, 1646:12, 1647:21, 1648:12, 1649:1, 1649:25, 1652:22, 1654:6, 1654:18, 1655:1, 1655:9, 1655:12, 1655:14, 1656:3, 1656:9,</p>	<p>1656:20, 1657:13, 1657:15, 1658:4, 1658:20, 1658:23, 1659:3, 1659:4, 1659:14, 1660:7, 1660:9, 1661:2, 1661:4, 1664:2, 1664:19, 1667:8, 1669:1, 1669:18, 1670:22, 1672:5, 1672:7, 1672:22, 1673:12, 1673:17, 1673:19, 1675:8, 1675:13, 1675:22, 1677:12, 1680:24, 1681:24, 1682:1, 1682:10, 1685:24, 1689:23, 1690:2, 1690:17, 1691:8, 1694:19, 1695:2, 1695:6, 1696:20, 1700:15, 1701:6, 1701:13, 1703:7, 1703:10, 1704:5, 1704:25, 1708:12, 1709:1, 1711:12, 1714:20, 1717:19, 1718:18, 1719:24, 1719:25, 1721:18, 1730:12, 1731:16, 1734:12, 1735:2, 1735:17, 1738:1, 1738:14, 1739:18, 1739:19, 1741:2, 1741:9, 1741:13, 1742:6, 1743:22, 1744:19, 1744:20, 1744:23, 1745:15, 1746:4, 1746:21, 1749:12, 1749:15, 1750:5, 1750:12, 1750:14, 1750:17, 1750:18, 1751:7, 1754:23, 1757:7, 1757:14, 1758:8, 1761:12, 1761:16, 1762:9, 1762:13, 1763:12</p> <p>ONE-GRAM [1] - 1746:21</p> <p>ONES [1] - 1690:22</p> <p>OPEN [13] - 1630:20, 1632:4, 1632:12, 1657:16, 1710:15, 1710:19, 1710:23, 1735:1, 1767:6, 1768:2, 1768:9, 1768:16, 1771:12</p> <p>OPENING [3] - 1630:23, 1692:6, 1692:20</p>
--	---	--	---	---

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1794

<p>OPERATION [1] - 1760:11</p> <p>OPINION [7] - 1633:22, 1635:19, 1639:24, 1640:1, 1640:2, 1640:6, 1648:20</p> <p>OPINIONS [1] - 1648:17</p> <p>OPPORTUNITY [13] - 1637:11, 1642:5, 1642:16, 1643:12, 1698:5, 1700:10, 1704:6, 1708:5, 1709:24, 1710:1, 1710:8, 1733:5, 1754:8</p> <p>OPTION [1] - 1651:17</p> <p>ORAL [1] - 1643:21</p> <p>ORCHESTRATING [1] - 1695:8</p> <p>ORDER [10] - 1665:12, 1668:21, 1673:4, 1677:17, 1678:21, 1680:6, 1690:9, 1720:10, 1730:25, 1742:10</p> <p>ORDERS [3] - 1656:17, 1753:9, 1753:10</p> <p>ORDINARY [1] - 1639:5</p> <p>ORGANIZATION [6] - 1653:3, 1668:23, 1681:18, 1748:12, 1751:17, 1761:11</p> <p>ORIGINALLY [1] - 1705:2</p> <p>OTHERWISE [6] - 1635:9, 1638:11, 1649:18, 1747:25, 1750:2, 1755:17</p> <p>OUGHT [1] - 1633:23</p> <p>OUNCE [20] - 1655:1, 1658:20, 1658:21, 1658:23, 1660:8, 1660:10, 1664:14, 1664:15, 1664:19, 1669:18, 1672:12, 1672:13, 1672:23, 1680:13, 1680:14, 1705:5, 1705:21, 1749:15</p> <p>OUNCES [31] - 1656:23, 1657:5, 1659:2, 1659:4, 1659:8, 1659:23, 1660:13, 1661:10, 1661:22, 1662:15, 1662:21, 1662:22,</p>	<p>1668:9, 1669:1, 1669:2, 1671:2, 1671:4, 1671:10, 1672:7, 1672:23, 1673:6, 1673:7, 1675:24, 1676:14, 1701:10, 1701:20, 1701:22, 1704:13, 1705:8, 1705:9, 1729:23</p> <p>OUTCOME [1] - 1637:5</p> <p>OUTLET [1] - 1676:16</p> <p>OUTSIDE [3] - 1641:7, 1684:24, 1733:21</p> <p>OVERALL [4] - 1645:24, 1650:11, 1713:13, 1714:20</p> <p>OVERARCHING [1] - 1714:23</p> <p>OVERHEAR [1] - 1674:12</p> <p>OVERLOOK [2] - 1755:6, 1755:8</p> <p>OVERNIGHT [2] - 1682:23, 1686:23</p> <p>OWED [3] - 1678:7, 1680:10, 1729:3</p> <p>OWN [34] - 1633:22, 1634:25, 1635:10, 1635:22, 1644:8, 1644:10, 1644:12, 1648:17, 1678:5, 1679:7, 1681:2, 1694:18, 1696:1, 1698:23, 1700:11, 1707:14, 1708:7, 1708:10, 1708:13, 1714:1, 1714:2, 1714:3, 1714:7, 1714:16, 1714:19, 1721:10, 1723:5, 1723:23, 1726:6, 1739:1, 1753:12, 1760:9</p> <p>OWNED [2] - 1655:17, 1666:10</p>	<p>1649:19, 1773:3</p> <p>PAID [16] - 1664:12, 1666:11, 1667:11, 1667:12, 1668:10, 1674:7, 1674:9, 1676:1, 1696:6, 1705:5, 1729:13, 1729:14, 1759:3, 1766:15, 1769:24, 1770:2</p> <p>PANS [2] - 1683:19, 1771:23</p> <p>PARAGRAPH [1] - 1740:12</p> <p>PARK [7] - 1628:9, 1658:10, 1685:14, 1685:22, 1686:5, 1696:16, 1727:24</p> <p>PARKING [2] - 1697:5, 1735:19</p> <p>PARKWAY [2] - 1628:21, 1629:4</p> <p>PAROLE [3] - 1718:9, 1720:23</p> <p>PART [15] - 1632:19, 1636:20, 1636:22, 1646:14, 1689:24, 1689:25, 1692:20, 1710:3, 1738:14, 1747:10, 1751:16, 1751:17, 1753:19, 1753:20, 1756:2</p> <p>PARTIAL [1] - 1643:20</p> <p>PARTICIPATE [1] - 1744:17</p> <p>PARTICIPATED [1] - 1646:13</p> <p>PARTICULAR [7] - 1633:13, 1637:2, 1637:22, 1642:4, 1652:19, 1664:7, 1664:17</p> <p>PARTICULARLY [1] - 1644:2</p> <p>PARTIES [2] - 1634:3, 1732:8</p> <p>PARTNER [12] - 1653:11, 1653:22, 1659:24, 1660:14, 1660:20, 1661:19, 1665:2, 1669:8, 1669:23, 1701:16, 1701:25, 1707:1</p> <p>PARTNERS [8] - 1661:18, 1663:18, 1666:17, 1667:6, 1672:3, 1676:8, 1760:4, 1760:6</p> <p>PARTNERSHIP [12] - 1646:5, 1669:13,</p>	<p>1669:25, 1701:24, 1702:3, 1708:24, 1709:5, 1709:6, 1751:6, 1761:4, 1764:16, 1764:18</p> <p>PARTS [1] - 1693:12</p> <p>PASS [1] - 1723:25</p> <p>PAY [6] - 1667:4, 1675:22, 1679:16, 1712:18, 1712:19, 1749:19</p> <p>PAYING [7] - 1658:21, 1667:9, 1670:20, 1672:11, 1673:8, 1691:23, 1747:20</p> <p>PAYMENTS [1] - 1670:13</p> <p>PAYS [1] - 1679:19</p> <p>PEARSON [1] - 1766:10</p> <p>PELON [5] - 1653:19, 1660:25, 1661:1, 1747:5</p> <p>PEOPLE [51] - 1683:25, 1686:8, 1686:10, 1686:13, 1686:19, 1694:12, 1695:13, 1696:4, 1697:23, 1698:6, 1704:19, 1705:12, 1706:2, 1706:24, 1715:10, 1715:12, 1716:6, 1716:14, 1717:1, 1721:24, 1722:1, 1723:24, 1724:4, 1727:7, 1727:8, 1732:16, 1733:20, 1733:22, 1735:6, 1735:24, 1742:17, 1742:19, 1743:15, 1746:10, 1747:22, 1747:24, 1748:17, 1752:8, 1755:12, 1756:12, 1756:17, 1756:20, 1757:4, 1757:9, 1757:13, 1759:15, 1759:21, 1760:5, 1761:6, 1762:7</p> <p>PEOPLE'S [3] - 1701:1, 1701:3, 1727:7</p> <p>PER [6] - 1659:3, 1660:8, 1661:4, 1662:21, 1662:22, 1720:15</p> <p>PERALES [31] - 1653:18, 1653:20, 1653:24, 1654:2, 1660:23, 1701:6,</p>	<p>1701:7, 1701:10, 1701:13, 1701:15, 1701:19, 1701:20, 1702:8, 1702:11, 1703:2, 1709:2, 1712:10, 1713:1, 1713:4, 1714:15, 1716:18, 1716:19, 1717:20, 1717:23, 1718:4, 1718:10, 1719:7, 1719:16, 1721:16, 1726:21, 1748:11</p> <p>PERALES'S [1] - 1702:20</p> <p>PERCENT [4] - 1652:13, 1683:23, 1705:24, 1757:8</p> <p>PERFECTLY [2] - 1759:8, 1759:11</p> <p>PERHAPS [2] - 1741:9, 1766:18</p> <p>PERIOD [8] - 1639:2, 1704:11, 1705:23, 1706:9, 1707:2, 1707:3, 1736:23, 1751:14</p> <p>PERIODS [1] - 1759:8</p> <p>PERJURY [3] - 1690:16, 1724:10, 1757:22</p> <p>PERMITTED [2] - 1635:16, 1635:25</p> <p>PERPETRATOR [2] - 1641:24, 1642:20</p> <p>PERSON [58] - 1636:23, 1637:1, 1638:25, 1640:20, 1642:6, 1642:8, 1642:11, 1647:4, 1647:13, 1647:16, 1647:19, 1647:21, 1648:6, 1649:16, 1685:13, 1685:21, 1686:5, 1689:17, 1694:5, 1696:4, 1696:23, 1705:15, 1708:17, 1711:16, 1720:14, 1721:4, 1721:8, 1722:19, 1726:13, 1728:13, 1729:8, 1729:12, 1729:23, 1731:22, 1741:14, 1743:8, 1743:9, 1744:19, 1747:20, 1750:13, 1750:14, 1750:16, 1750:18, 1751:6, 1751:7, 1752:9, 1754:7, 1756:2,</p>
	<p>P</p>			
	<p>P.D [3] - 1681:5, 1694:6</p> <p>PACKAGE [2] - 1656:16, 1686:22</p> <p>PACKAGES [1] - 1686:19</p> <p>PAGE [4] - 1627:15, 1627:17, 1761:2, 1761:23</p> <p>PAGES [3] - 1627:13,</p>			

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1795

<p>1756:3, 1756:8, 1757:16, 1757:18, 1757:19, 1758:6, 1758:7 PERSON'S [1] - 1758:19 PERSONAL [5] - 1637:4, 1720:12, 1720:13, 1745:1, 1763:15 PERSONS [11] - 1640:20, 1644:24, 1645:14, 1646:4, 1646:21, 1647:1, 1647:19, 1647:23, 1693:6, 1712:1, 1751:3 PERTAINING [1] - 1641:2 PETRAZIO [15] - 1629:2, 1630:2, 1631:22, 1631:23, 1632:15, 1727:17, 1727:19, 1738:19, 1739:2, 1739:3, 1743:1, 1752:19, 1772:4, 1772:17, 1772:18 PHARMACEUTICAL [1] - 1725:8 PHELAN [1] - 1639:12 PHONE [32] - 1667:1, 1683:14, 1686:8, 1689:10, 1689:15, 1695:4, 1716:17, 1716:18, 1716:19, 1716:20, 1716:21, 1716:22, 1722:12, 1725:18, 1730:5, 1731:10, 1732:5, 1732:6, 1732:23, 1732:24, 1734:20, 1734:25, 1740:6, 1740:7, 1741:15, 1742:8, 1755:11, 1763:2 PHOTOGRAPH [2] - 1658:11, 1771:21 PHOTOGRAPHS [5] - 1661:14, 1753:21, 1753:22, 1753:23, 1753:25 PHOTOS [1] - 1771:15 PHYSICAL [9] - 1641:14, 1647:13, 1652:16, 1695:1, 1725:16, 1751:2, 1771:16, 1771:18, 1771:20 PICK [34] - 1655:13,</p>	<p>1667:3, 1675:20, 1677:9, 1677:19, 1679:1, 1681:13, 1681:21, 1682:5, 1682:8, 1682:11, 1682:13, 1685:10, 1685:15, 1685:17, 1685:25, 1686:11, 1686:14, 1696:17, 1697:2, 1701:25, 1702:1, 1702:7, 1702:21, 1713:2, 1732:20, 1732:21, 1736:3, 1743:6, 1746:7, 1750:19, 1753:16, 1755:11 PICKED [19] - 1655:16, 1656:11, 1663:8, 1670:7, 1677:20, 1678:24, 1685:11, 1685:12, 1685:13, 1685:20, 1686:19, 1688:15, 1729:20, 1729:25, 1736:19, 1736:20, 1741:4, 1741:12, 1761:19 PICKING [12] - 1654:12, 1656:13, 1657:3, 1658:7, 1670:8, 1688:13, 1696:25, 1702:11, 1745:6, 1745:14, 1745:15, 1749:14 PICKS [1] - 1682:19 PICTURE [6] - 1662:5, 1683:3, 1683:5, 1700:16, 1703:8, 1703:9 PICTURES [10] - 1683:24, 1687:6, 1700:15, 1703:15, 1715:23, 1737:10, 1737:15, 1737:17, 1737:19, 1737:21 PIECE [1] - 1764:8 PIECES [3] - 1743:16, 1743:17, 1764:9 PIN [1] - 1709:13 PIPE [1] - 1675:9 PLACE [7] - 1694:8, 1702:20, 1704:4, 1734:21, 1744:11, 1744:15, 1766:20 PLACED [2] - 1684:4, 1731:14 PLAIN [1] - 1708:20 PLAN [4] - 1643:14, 1646:10, 1646:11, 1727:25</p>	<p>PLANO [10] - 1627:8, 1628:2, 1628:10, 1628:22, 1629:5, 1661:10, 1669:17, 1675:9, 1676:16, 1773:12 PLAY [1] - 1759:15 PLAYBACK [1] - 1687:10 PLAYED [1] - 1646:14 PLAYER [1] - 1695:21 PLAYERS [2] - 1700:24, 1703:7 PLEA [17] - 1638:9, 1638:12, 1638:16, 1638:24, 1690:12, 1690:13, 1690:25, 1721:5, 1724:9, 1726:8, 1740:12, 1743:9, 1750:1, 1756:24, 1757:20, 1758:2 PLEA-AGREEMENT [1] - 1740:12 PLEA-BARGAINING [2] - 1638:12, 1690:25 PLEAS [1] - 1770:15 PLED [1] - 1638:12 POINT [25] - 1635:6, 1637:22, 1637:23, 1674:22, 1677:23, 1693:19, 1695:6, 1699:12, 1699:20, 1701:15, 1701:18, 1703:19, 1714:9, 1719:1, 1721:10, 1727:24, 1731:21, 1734:15, 1738:24, 1740:11, 1741:3, 1758:5, 1760:3, 1760:24, 1762:7 POINT-BLANK [1] - 1734:15 POLE [2] - 1728:3, 1728:4 POLICE [2] - 1762:18, 1762:19 POLICY [2] - 1696:7, 1697:7 POLLING [2] - 1769:11, 1769:14 POOL [1] - 1673:3 POOLED [1] - 1714:5 POOLING [1] - 1676:18 POOLS [1] - 1728:4 POPS [1] - 1714:2 PORTION [1] - 1746:16</p>	<p>PORTIONS [1] - 1644:3 POSITION [1] - 1756:10 POSITIVE [2] - 1679:12, 1679:14 POSSESS [7] - 1645:1, 1645:16, 1648:4, 1648:5, 1652:10, 1712:21, 1764:23 POSSESSION [15] - 1647:11, 1647:12, 1647:13, 1647:14, 1647:16, 1647:20, 1647:21, 1647:22, 1647:23, 1647:24, 1647:25, 1648:3, 1648:5, 1681:1 POSSIBLE [6] - 1631:16, 1634:16, 1718:11, 1719:3, 1719:20, 1719:23 POTENTIAL [1] - 1703:20 POTENTIALLY [1] - 1690:16 POTS [3] - 1683:5, 1683:19, 1771:23 POUND [10] - 1655:1, 1659:5, 1659:7, 1659:9, 1661:2, 1661:10, 1664:19, 1671:25, 1701:11, 1701:20 POUNDS [8] - 1660:16, 1660:19, 1660:21, 1660:22, 1661:4, 1671:18, 1699:2, 1699:11 POWER [1] - 1647:17 POWERPOINT [1] - 1711:6 PRAIRIE [2] - 1682:24, 1688:18 PREACHERS [1] - 1756:20 PREGNANT [3] - 1677:24, 1678:14, 1679:7 PREJUDICE [1] - 1634:1 PREMISE [2] - 1711:16, 1712:8 PREPARATION [1] - 1644:9 PREPARE [1] - 1770:19 PREPARED [2] - 1649:4, 1770:13</p>	<p>PRESCRIBE [3] - 1725:5, 1725:8, 1725:13 PRESENCE [1] - 1646:24 PRESENT [25] - 1632:4, 1648:1, 1663:13, 1663:15, 1664:23, 1664:25, 1665:6, 1710:15, 1710:19, 1710:23, 1723:17, 1730:25, 1739:16, 1750:19, 1767:6, 1767:15, 1767:24, 1768:2, 1768:9, 1771:12 PRESENTATION [2] - 1652:16, 1711:6 PRESENTED [6] - 1635:3, 1642:14, 1654:6, 1690:7, 1739:22, 1765:14 PRESENTENCE [3] - 1770:12, 1770:19, 1772:9 PRESERVATION [2] - 1731:24, 1735:2 PRESERVE [3] - 1730:24, 1731:2, 1738:6 PRESERVER [1] - 1728:11 PRESIDE [1] - 1633:4 PRESIDING [3] - 1627:19, 1628:3, 1649:20 PRESTON [1] - 1773:11 PRESUMABLY [1] - 1704:11 PRESUMED [2] - 1634:7, 1711:16 PRETRIAL [1] - 1703:1 PRETTY [5] - 1703:12, 1708:3, 1716:12, 1718:2, 1735:7 PREVAILING [1] - 1642:9 PREVENTS [1] - 1732:10 PREVIOUSLY [1] - 1770:4 PRICE [10] - 1673:4, 1675:3, 1680:18, 1680:21, 1715:19, 1747:15, 1754:21, 1754:22, 1754:23, 1754:25 PRICES [1] - 1680:12</p>
---	---	---	---	--

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1796

<p>PRIMARY [2] - 1644:12, 1696:4 PRIMO [54] - 1652:23, 1652:24, 1654:9, 1654:18, 1654:23, 1655:19, 1656:4, 1656:18, 1657:22, 1657:23, 1664:5, 1681:11, 1681:14, 1681:16, 1681:17, 1681:23, 1682:7, 1682:10, 1682:13, 1683:10, 1683:11, 1683:16, 1685:9, 1685:10, 1685:15, 1685:18, 1686:1, 1686:3, 1687:3, 1687:12, 1687:21, 1687:23, 1688:1, 1688:12, 1688:14, 1695:20, 1729:9, 1729:10, 1735:5, 1735:13, 1738:11, 1739:4, 1739:5, 1739:7, 1739:8, 1740:25, 1741:23, 1742:5, 1742:6, 1747:4 PRIMO'S [2] - 1654:19, 1656:3 PRISCILLA [29] - 1655:2, 1655:7, 1656:24, 1657:8, 1657:11, 1658:8, 1660:12, 1660:19, 1662:25, 1664:8, 1665:14, 1665:15, 1668:25, 1669:4, 1671:11, 1671:14, 1696:6, 1698:24, 1699:2, 1699:23, 1700:10, 1700:13, 1700:17, 1703:3, 1708:11, 1717:17, 1741:9, 1759:24 PRISON [5] - 1697:16, 1709:15, 1715:18, 1723:20, 1725:1 PROBATION [1] - 1770:18 PROBLEM [1] - 1731:25 PROBLEMS [1] - 1718:1 PROCEDURES [1] - 1633:14 PROCEED [1] - 1682:21 PROCEEDED [1] - 1752:17</p>	<p>PROCEEDINGS [2] - 1627:24, 1773:4 PROCEEDS [3] - 1654:12, 1745:16, 1746:3 PROCESS [5] - 1691:22, 1692:3, 1692:6, 1692:15, 1765:12 PRODUCE [1] - 1634:8 PRODUCED [1] - 1627:25 PRODUCT [3] - 1669:19, 1683:22, 1695:19 PROFIT [2] - 1713:16, 1714:14 PROFITS [1] - 1721:12 PROHIBITED [1] - 1638:16 PROMISE [2] - 1634:2, 1724:16 PROMISED [2] - 1723:21, 1724:14 PROMISES [1] - 1758:10 PROOF [15] - 1632:11, 1633:11, 1634:14, 1634:17, 1634:22, 1636:9, 1647:3, 1692:7, 1692:11, 1692:13, 1693:8, 1711:13, 1726:3, 1726:4 PROPER [4] - 1633:5, 1638:13, 1690:23, 1691:1 PROPERTIES [1] - 1704:5 PROSECUTION [2] - 1652:4, 1697:18 PROTECT [4] - 1707:22, 1730:24, 1740:2, 1740:3 PROTECTION [1] - 1709:10 PROVE [14] - 1634:8, 1640:11, 1641:21, 1641:23, 1646:15, 1646:18, 1646:21, 1692:9, 1692:17, 1711:19, 1748:16, 1748:17, 1749:1, 1751:18 PROVED [7] - 1634:16, 1636:14, 1640:16, 1645:12, 1648:24, 1706:19,</p>	<p>1735:7 PROVEN [4] - 1652:14, 1714:22, 1714:23, 1751:19 PROVES [2] - 1640:12, 1750:4 PROVIDE [1] - 1767:11 PROVIDED [6] - 1638:14, 1649:7, 1678:1, 1722:25, 1743:19, 1765:9 PROVIDING [2] - 1638:9, 1722:24 PROVING [1] - 1634:11 PROXIMITY [1] - 1762:23 PUBLIC [6] - 1639:14, 1639:15, 1639:17, 1639:18, 1756:12, 1756:16 PULLED [2] - 1709:8, 1745:8 PUMPING [2] - 1682:17, 1686:15 PUNISHMENT [3] - 1640:23, 1640:24, 1715:18 PURCHASING [4] - 1672:22, 1676:17, 1676:20, 1680:17 PURE [3] - 1652:13, 1683:23, 1738:13 PURELY [1] - 1770:8 PURPORTED [2] - 1731:3, 1738:21 PURPORTEDLY [1] - 1740:22 PURPORTS [1] - 1643:23 PURPOSE [8] - 1644:1, 1645:20, 1645:23, 1646:4, 1647:6, 1648:20, 1679:22, 1712:3 PURPOSES [4] - 1643:3, 1643:17, 1742:14, 1771:16 PURSE [3] - 1675:16, 1679:7, 1681:2 PUT [19] - 1655:18, 1657:16, 1679:6, 1681:2, 1683:14, 1687:19, 1688:24, 1688:25, 1692:16, 1693:3, 1715:19, 1718:5, 1732:5, 1739:13, 1744:11, 1744:15, 1745:8,</p>	<p>1745:11, 1764:10 Q QUALIFIED [1] - 1639:22 QUALITY [2] - 1669:19, 1727:9 QUANTITIES [6] - 1656:19, 1705:8, 1746:21, 1746:25, 1748:19, 1761:17 QUANTITY [15] - 1645:25, 1650:8, 1650:10, 1650:13, 1650:14, 1650:20, 1651:15, 1710:5, 1711:24, 1727:9, 1745:17, 1768:19, 1768:20, 1768:25, 1769:7 QUARTER [7] - 1659:7, 1664:19, 1671:25, 1672:12, 1702:1, 1705:5, 1705:21 QUARTER-OUNCE [3] - 1672:12, 1705:5, 1705:21 QUARTER-POUND [3] - 1659:7, 1664:19, 1671:25 QUESTIONING [1] - 1697:8 QUESTIONS [10] - 1635:14, 1636:25, 1637:12, 1649:22, 1687:14, 1718:15, 1754:5, 1764:15, 1771:5 QUICK [1] - 1703:19 QUICKER [1] - 1720:10 QUICKLY [2] - 1701:11, 1718:20 QUIROLO [23] - 1659:20, 1663:21, 1663:25, 1665:20, 1666:12, 1668:4, 1695:6, 1699:14, 1699:16, 1703:8, 1703:22, 1704:1, 1704:2, 1704:6, 1704:9, 1705:15, 1705:25, 1706:1, 1706:17, 1706:19, 1706:20, 1717:17 QUIROLO'S [1] - 1665:25 QUIT [2] - 1667:15,</p>	<p>1670:14 QUITE [1] - 1698:8 R RABBIT [4] - 1690:19, 1691:6, 1715:4, 1715:8 RAMIRO [48] - 1652:24, 1654:20, 1654:21, 1656:2, 1656:3, 1656:4, 1657:13, 1657:14, 1657:15, 1664:6, 1681:11, 1681:20, 1682:4, 1682:6, 1682:7, 1683:6, 1683:12, 1683:13, 1684:20, 1685:7, 1686:6, 1686:18, 1687:3, 1687:18, 1687:21, 1687:23, 1688:2, 1688:11, 1717:17, 1728:22, 1735:9, 1735:11, 1735:12, 1735:15, 1735:16, 1736:14, 1736:22, 1739:19, 1740:21, 1742:12, 1742:17, 1747:8, 1747:11, 1753:15 RANGE [3] - 1650:8, 1650:10, 1695:25 RATE [1] - 1660:7 RE [2] - 1648:17, 1738:5 RE-EXAMINE [1] - 1648:17 RE-READ [1] - 1738:5 REACH [14] - 1636:2, 1637:21, 1648:8, 1648:13, 1712:2, 1727:22, 1728:3, 1728:5, 1728:7, 1746:1, 1754:11, 1762:19, 1764:11, 1764:22 REACHED [4] - 1645:15, 1649:18, 1754:25, 1768:11 REACHING [2] - 1633:16, 1637:19 READ [11] - 1632:7, 1644:18, 1649:25, 1651:11, 1690:23, 1701:2, 1738:5, 1768:15, 1769:15, 1769:17 READILY [3] - 1697:14, 1700:5,</p>
--	--	--	--	--

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1797

<p>1700:17 READS [1] - 1649:23 READY [10] - 1632:1, 1658:2, 1674:13, 1675:14, 1710:11, 1723:20, 1766:14, 1767:20, 1768:6 REALLY [25] - 1692:25, 1695:17, 1695:20, 1699:16, 1700:12, 1702:2, 1706:8, 1706:11, 1707:11, 1708:21, 1709:5, 1715:11, 1715:13, 1718:19, 1719:11, 1720:16, 1723:7, 1724:13, 1725:12, 1725:23, 1732:24, 1740:19, 1752:21, 1755:22 REALTIME [1] - 1627:24 REASON [22] - 1634:19, 1636:3, 1637:2, 1698:16, 1712:12, 1726:1, 1732:13, 1732:14, 1733:9, 1735:12, 1736:1, 1737:15, 1738:5, 1738:7, 1738:21, 1742:4, 1743:24, 1745:18, 1750:22, 1758:23, 1759:1 REASONABLE [31] - 1634:12, 1634:17, 1634:19, 1634:22, 1635:25, 1636:15, 1638:23, 1639:8, 1640:12, 1640:16, 1642:19, 1643:4, 1645:13, 1648:2, 1648:24, 1650:9, 1652:15, 1692:8, 1692:10, 1692:17, 1711:19, 1717:6, 1721:3, 1721:19, 1726:1, 1726:3, 1726:12, 1726:15, 1740:18, 1750:4, 1750:5 REASONABLY [2] - 1640:13, 1767:21 REASONS [1] - 1640:5 RECEIVE [4] - 1683:15, 1698:20, 1703:21, 1758:12 RECEIVED [11] - 1638:20, 1643:22,</p>	<p>1666:23, 1669:22, 1671:16, 1697:13, 1698:21, 1718:8, 1726:8, 1726:9, 1740:14 RECEIVING [16] - 1654:18, 1660:9, 1669:1, 1669:2, 1669:17, 1669:18, 1672:11, 1672:12, 1673:6, 1673:7, 1697:20, 1703:20, 1705:7, 1705:9, 1705:25, 1706:9 RECESS [7] - 1710:13, 1710:16, 1710:18, 1767:7, 1767:14, 1767:23, 1772:19 RECOGNIZE [1] - 1741:10 RECOLLECTION [1] - 1635:10 RECORD [8] - 1629:25, 1713:10, 1738:7, 1767:16, 1768:3, 1769:18, 1771:16, 1773:4 RECORDED [11] - 1684:5, 1684:6, 1687:9, 1695:12, 1731:7, 1731:9, 1732:7, 1732:9, 1732:24, 1738:22, 1739:20 RECORDER [1] - 1732:11 RECORDING [14] - 1643:22, 1644:2, 1644:11, 1687:10, 1731:11, 1731:12, 1731:13, 1731:17, 1732:12, 1743:25, 1753:4, 1753:25, 1754:6 RECORDINGS [3] - 1695:12, 1752:23, 1763:8 RECORDS [7] - 1716:17, 1716:19, 1716:20, 1716:21, 1716:22, 1731:10 RECOVERY [1] - 1658:11 REDUCE [1] - 1717:23 REDUCED [1] - 1726:25 REDUCTION [2] - 1690:20, 1724:22 REEVES [29] -</p>	<p>1653:14, 1659:18, 1663:15, 1664:9, 1664:10, 1665:8, 1665:19, 1666:2, 1667:11, 1667:16, 1667:17, 1668:22, 1668:24, 1671:8, 1672:15, 1672:20, 1677:11, 1697:25, 1700:5, 1700:7, 1700:19, 1707:4, 1707:5, 1707:7, 1707:12, 1708:5, 1717:16, 1723:10, 1723:11 REEVES' [1] - 1664:10 REFERRING [1] - 1761:6 REFLECTS [1] - 1644:6 REGARD [2] - 1641:13, 1642:7 REGARDING [1] - 1735:18 REGARDLESS [2] - 1633:24, 1754:19 REGARDS [1] - 1753:21 REGISTERED [2] - 1655:22, 1655:24 REGULAR [3] - 1702:25, 1722:9, 1744:14 REJECT [1] - 1640:3 RELATE [1] - 1759:17 RELATED [1] - 1712:25 RELATES [3] - 1715:13, 1716:13, 1725:23 RELATION [1] - 1644:11 RELATIONSHIP [12] - 1637:6, 1653:25, 1662:8, 1662:9, 1669:21, 1672:24, 1674:2, 1674:5, 1679:21, 1701:18, 1705:18, 1760:6 RELAYED [1] - 1739:10 RELEASED [4] - 1670:24, 1671:24, 1677:1, 1770:6 RELIABILITY [1] - 1755:18 RELIABLE [4] - 1752:11, 1752:16, 1752:17, 1755:9 RELIANCE [1] -</p>	<p>1695:15 RELY [12] - 1634:24, 1720:17, 1721:2, 1721:21, 1722:9, 1727:2, 1739:1, 1750:9, 1752:6, 1752:7, 1752:8, 1752:11 RELYING [1] - 1719:22 REMAINING [1] - 1632:16 REMAND [1] - 1772:8 REMEMBER [26] - 1635:4, 1648:22, 1670:11, 1673:10, 1678:3, 1678:17, 1683:8, 1684:13, 1686:16, 1690:1, 1691:6, 1692:5, 1692:22, 1693:5, 1694:7, 1697:7, 1698:13, 1699:6, 1701:18, 1704:10, 1715:15, 1716:17, 1721:24, 1759:2, 1759:3 REMEMBERED [1] - 1662:18 REMIND [1] - 1636:13 REMODELS [1] - 1730:10 RENE [87] - 1627:8, 1628:12, 1644:16, 1644:22, 1649:25, 1650:3, 1650:5, 1650:17, 1652:8, 1653:7, 1653:10, 1653:11, 1653:21, 1653:23, 1655:7, 1655:24, 1657:3, 1663:14, 1663:19, 1665:22, 1667:21, 1672:1, 1676:6, 1680:1, 1691:9, 1691:14, 1695:1, 1695:3, 1695:4, 1695:7, 1695:12, 1696:10, 1696:11, 1696:13, 1696:15, 1696:22, 1696:25, 1697:10, 1697:21, 1697:25, 1698:8, 1698:12, 1698:14, 1698:19, 1699:12, 1699:20, 1700:6, 1701:16, 1701:21, 1702:3, 1702:20, 1703:25, 1704:3, 1704:4, 1704:5,</p>	<p>1704:7, 1704:10, 1704:12, 1704:15, 1705:8, 1705:11, 1705:16, 1705:17, 1705:22, 1706:2, 1706:8, 1706:21, 1706:25, 1707:4, 1708:4, 1708:6, 1708:25, 1709:5, 1709:9, 1709:11, 1710:3, 1710:6, 1759:19, 1759:20, 1759:25, 1760:2, 1760:7, 1760:13, 1768:18, 1774:5 RENT [1] - 1665:25 RENTAL [5] - 1675:11, 1675:25, 1676:1, 1676:2, 1750:20 RENTED [5] - 1673:14, 1704:3, 1704:4, 1750:18, 1750:21 REPACKAGING [2] - 1666:25, 1675:24 REPEATEDLY [4] - 1747:6, 1758:14, 1762:8, 1765:4 REPLY [1] - 1649:12 REPORT [1] - 1770:19 REPORTED [1] - 1627:24 REPORTER [1] - 1773:9 REPORTER'S [3] - 1627:11, 1628:1, 1773:1 REPORTS [2] - 1770:12, 1772:9 REPRESENT [1] - 1722:2 REPRESENTING [1] - 1722:1 REQUEST [4] - 1631:19, 1631:23, 1671:9, 1769:11 REQUESTED [1] - 1629:13 REQUIRE [2] - 1634:8, 1732:8 REQUIRED [3] - 1632:7, 1634:16, 1748:1 REQUIREMENT [2] - 1692:16, 1748:2 RESELLING [1] - 1664:14 RESIDENCE [12] - 1663:11, 1664:22, 1668:5, 1682:13,</p>
--	---	--	--	--

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1798

1683:19, 1684:2, 1684:21, 1684:22, 1688:6, 1689:5, 1696:1, 1700:14 RESIDENCES [1] - 1694:20 RESOLD [1] - 1658:22 RESORT [1] - 1728:12 RESOURCE [1] - 1707:15 RESOURCES [1] - 1715:21 RESPECT [6] - 1630:2, 1641:19, 1644:13, 1649:25, 1697:19, 1739:18 RESPONSIBILITY [2] - 1756:4, 1763:24 RESPONSIBLE [8] - 1652:20, 1653:1, 1653:5, 1653:17, 1670:3, 1670:20, 1671:17, 1751:13 REST [2] - 1631:2, 1709:14 RESTAURANT [1] - 1658:19 RESTRICTIONS [3] - 1690:12, 1752:3, 1756:25 RESULT [1] - 1727:14 RETURN [2] - 1713:16, 1714:10 RETURNED [2] - 1766:17, 1768:5 RETURNING [1] - 1648:21 REVEAL [1] - 1649:16 REVIEW [1] - 1693:24 RICHARD [3] - 1627:19, 1628:2, 1639:16 RID [5] - 1658:15, 1666:22, 1687:17, 1740:5, 1740:7 RIDE [1] - 1678:20 RIDICULOUS [1] - 1760:4 RISE [7] - 1632:2, 1710:14, 1710:22, 1755:21, 1767:5, 1768:8, 1771:11 RISK [1] - 1728:17 ROAD [2] - 1711:10, 1773:11 ROBBED [1] - 1762:18 RODEO [1] - 1720:20 RODRIGUEZ [2] - 1654:11, 1658:5	ROLEX [1] - 1695:25 ROOF [1] - 1707:8 ROOM [9] - 1644:20, 1648:25, 1689:6, 1765:22, 1766:1, 1766:20, 1767:2, 1767:3, 1771:2 ROPE [1] - 1728:10 ROUGH [1] - 1703:9 ROVER [1] - 1695:25 ROW [3] - 1727:22, 1728:6, 1728:7 RULE [1] - 1633:21 RULES [4] - 1633:7, 1633:12, 1633:18, 1638:14 RUMPE [1] - 1639:15 RUN [1] - 1736:5 RUNNER [8] - 1653:21, 1661:11, 1674:12, 1674:15, 1735:12, 1736:7, 1736:8, 1736:9 RUNNERS [11] - 1653:4, 1654:19, 1656:3, 1656:10, 1663:5, 1663:6, 1663:8, 1680:24, 1681:22, 1704:25, 1741:9 RUNNING [8] - 1661:1, 1668:20, 1700:22, 1702:15, 1704:22, 1704:23, 1748:13, 1762:20 RUNS [2] - 1716:9	1658:22, 1658:24, 1658:25, 1659:1, 1659:3, 1659:6, 1659:10, 1659:15, 1659:21, 1659:22, 1659:25, 1660:1, 1660:17, 1660:20, 1661:18, 1661:19, 1661:23, 1663:13, 1663:17, 1663:19, 1663:20, 1663:23, 1665:1, 1665:4, 1665:5, 1665:7, 1665:16, 1665:22, 1665:23, 1665:25, 1666:4, 1666:7, 1666:11, 1666:16, 1666:18, 1666:20, 1666:21, 1666:22, 1667:1, 1667:4, 1667:7, 1667:10, 1667:13, 1667:18, 1667:21, 1667:23, 1668:6, 1668:7, 1668:10, 1668:11, 1668:13, 1668:15, 1668:19, 1669:9, 1669:11, 1669:12, 1669:13, 1669:18, 1669:24, 1669:25, 1670:5, 1670:9, 1670:13, 1670:14, 1670:17, 1670:21, 1670:24, 1670:25, 1671:1, 1671:4, 1671:5, 1671:20, 1672:1, 1672:3, 1672:5, 1672:6, 1672:8, 1672:10, 1672:15, 1672:18, 1676:6, 1676:7, 1676:13, 1676:14, 1677:4, 1677:5, 1677:7, 1677:9, 1677:14, 1679:10, 1679:15, 1679:18, 1679:20, 1679:22, 1680:1, 1691:9, 1691:14, 1691:21, 1695:1, 1695:3, 1695:5, 1695:7, 1695:13, 1696:10, 1696:11, 1696:13, 1696:16, 1696:22, 1696:25, 1697:10, 1697:21, 1697:25, 1698:8, 1698:12, 1698:14, 1698:19, 1699:12, 1699:20, 1701:16, 1701:22, 1702:3, 1702:20,	1703:25, 1704:3, 1704:4, 1704:10, 1704:12, 1704:15, 1705:9, 1705:11, 1705:16, 1705:17, 1706:2, 1706:8, 1706:21, 1706:25, 1707:4, 1708:4, 1708:6, 1708:25, 1709:5, 1710:3, 1710:6, 1718:23, 1719:2, 1719:12, 1719:17, 1719:20, 1719:23, 1720:13, 1723:7, 1723:8, 1723:15, 1759:12, 1759:13, 1759:14, 1759:19, 1759:20, 1759:25, 1760:2, 1760:13, 1768:18, 1772:7, 1774:6 SALAZAR'S [18] - 1659:18, 1659:20, 1659:24, 1660:11, 1660:13, 1663:14, 1665:5, 1666:10, 1667:11, 1667:14, 1669:8, 1671:9, 1677:10, 1700:6, 1704:5, 1704:7, 1709:9, 1709:12 SALE [1] - 1746:3 SAT [1] - 1742:16 SATISFY [1] - 1679:17 SAVE [1] - 1703:18 SAVING [1] - 1727:24 SAW [17] - 1657:3, 1659:18, 1661:14, 1675:23, 1683:19, 1683:20, 1687:6, 1698:10, 1700:15, 1703:8, 1704:21, 1715:23, 1731:16, 1731:20, 1740:2, 1750:15, 1757:19 SCALES [1] - 1771:22 SCARED [2] - 1722:16, 1723:19 SCENARIO [2] - 1745:3, 1747:18 SCENE [4] - 1646:24, 1753:24, 1754:2, 1754:6 SCHEDULE [1] - 1770:13 SHELL [6] - 1627:19, 1628:3, 1755:24, 1764:20, 1764:21 SCHEME [6] - 1646:8, 1646:10, 1646:11,	1646:18, 1646:19, 1765:7 SCHOOL [2] - 1693:16, 1694:12 SCHROEDER [1] - 1674:1 SCIENTIFIC [1] - 1639:20 SCIENTIST [1] - 1639:18 SCOPE [3] - 1645:24, 1650:11, 1650:15 SCOUT [1] - 1727:24 SCREEN [4] - 1703:8, 1704:22, 1746:9, 1761:7 SEARCH [13] - 1682:25, 1683:18, 1694:19, 1715:22, 1716:10, 1716:11, 1725:17, 1736:23, 1737:6, 1737:7, 1752:12 SEARCHED [1] - 1737:19 SEATED [8] - 1629:10, 1632:5, 1710:20, 1710:24, 1766:12, 1768:10, 1769:19, 1771:13 SEATS [1] - 1767:25 SECOND [27] - 1638:8, 1640:7, 1640:14, 1640:18, 1642:23, 1643:2, 1643:6, 1643:10, 1643:13, 1644:15, 1644:18, 1644:21, 1645:18, 1645:19, 1646:19, 1650:2, 1650:6, 1650:18, 1658:23, 1665:11, 1679:14, 1685:12, 1728:6, 1729:18, 1768:17, 1768:23, 1769:4 SECONDARY [1] - 1644:1 SECRET [1] - 1648:10 SECTION [3] - 1645:5, 1645:6, 1645:7 SECTIONS [1] - 1746:7 SECURE [2] - 1744:11, 1744:15 SECURITY [8] - 1632:2, 1649:12, 1710:14, 1710:22, 1766:1, 1767:5, 1768:8, 1771:11
S				
SABRINA [4] - 1673:10, 1674:1, 1674:2, 1680:23 SAFETY [4] - 1639:14, 1639:16, 1639:17, 1639:18 SAKE [1] - 1738:19 SALAZAR [193] - 1627:8, 1628:12, 1629:20, 1630:7, 1644:16, 1644:22, 1650:1, 1650:3, 1650:5, 1650:17, 1652:9, 1653:7, 1653:11, 1653:21, 1653:23, 1655:7, 1655:8, 1655:10, 1655:12, 1655:16, 1655:24, 1657:3, 1657:4, 1657:6, 1658:16, 1658:20,				

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1799

<p>SEE [19] - 1637:9, 1651:4, 1669:19, 1682:2, 1683:4, 1683:24, 1684:25, 1690:22, 1701:18, 1711:6, 1717:1, 1728:1, 1728:4, 1731:20, 1737:23, 1756:25, 1757:2, 1758:20, 1762:18</p> <p>SEEK [1] - 1707:15</p> <p>SEEM [1] - 1637:8</p> <p>SEES [2] - 1684:22, 1685:3</p> <p>SEIZED [9] - 1695:1, 1725:17, 1734:10, 1750:25, 1751:1, 1751:2, 1751:12, 1761:8</p> <p>SEIZURE [1] - 1695:3</p> <p>SELECT [1] - 1649:1</p> <p>SELECTING [1] - 1743:14</p> <p>SELF [4] - 1720:14, 1722:10, 1731:24, 1735:2</p> <p>SELF-ADMITTED [2] - 1720:14, 1722:10</p> <p>SELF- PRESERVATION [2] - 1731:24, 1735:2</p> <p>SELL [6] - 1680:1, 1680:2, 1712:19, 1712:22, 1713:5, 1747:21</p> <p>SELLER [1] - 1629:25</p> <p>SELLING [10] - 1658:25, 1661:8, 1668:16, 1669:11, 1670:9, 1721:25, 1723:14, 1747:19, 1748:19, 1758:6</p> <p>SEND [5] - 1696:20, 1701:24, 1725:9, 1760:7, 1760:8</p> <p>SENDING [3] - 1746:10, 1747:5, 1761:14</p> <p>SENIOR [1] - 1639:10</p> <p>SENSE [17] - 1634:20, 1636:3, 1700:12, 1702:2, 1709:6, 1725:3, 1726:2, 1729:4, 1729:17, 1743:24, 1745:19, 1750:22, 1754:10, 1757:25, 1758:23, 1759:1, 1759:10</p> <p>SENT [6] - 1654:9, 1681:10, 1685:17,</p>	<p>1696:20, 1696:21, 1771:3</p> <p>SENTENCE [5] - 1638:10, 1690:20, 1697:13, 1724:22, 1726:25</p> <p>SENTENCING [6] - 1770:10, 1770:14, 1770:16, 1770:24, 1770:25, 1772:10</p> <p>SEPARATE [7] - 1654:14, 1699:13, 1712:11, 1713:24, 1714:7, 1752:5, 1757:11</p> <p>SEPARATELY [1] - 1641:2</p> <p>SEPARATION [2] - 1759:16, 1759:19</p> <p>SEPTEMBER [3] - 1721:16, 1722:7, 1723:5</p> <p>SERIOUSLY [1] - 1727:12</p> <p>SERVICE [9] - 1652:6, 1652:7, 1766:11, 1766:15, 1769:21, 1769:22, 1769:25, 1770:2, 1770:9</p> <p>SET [11] - 1684:21, 1688:6, 1692:12, 1693:20, 1699:8, 1703:25, 1709:1, 1709:4, 1709:6, 1770:25, 1772:9</p> <p>SETTING [1] - 1708:9</p> <p>SEVEN [6] - 1664:13, 1688:17, 1730:16, 1759:16, 1759:18, 1768:5</p> <p>SEVERAL [6] - 1638:6, 1683:16, 1685:1, 1689:23, 1690:17, 1735:6</p> <p>SEX [1] - 1641:14</p> <p>SHANNON [4] - 1664:11, 1668:12, 1700:18, 1700:19</p> <p>SHAPED [1] - 1686:22</p> <p>SHARE [1] - 1647:23</p> <p>SHARING [1] - 1721:11</p> <p>SHEET [1] - 1700:17</p> <p>SHEETROCK [2] - 1730:13, 1735:21</p> <p>SHERMAN [28] - 1627:3, 1652:21, 1653:18, 1655:4, 1655:11, 1657:2, 1659:1, 1659:13,</p>	<p>1661:16, 1662:24, 1664:15, 1671:18, 1677:17, 1677:22, 1681:5, 1681:9, 1690:4, 1694:6, 1698:6, 1703:5, 1703:7, 1713:9, 1713:14, 1714:21, 1749:6, 1755:8, 1765:2, 1765:11</p> <p>SHERMAN- DENISON [8] - 1652:21, 1681:9, 1698:6, 1703:5, 1703:7, 1713:14, 1714:21, 1749:6</p> <p>SHERRY [1] - 1705:18</p> <p>SHIFTED [1] - 1692:14</p> <p>SHINE [1] - 1675:8</p> <p>SHISHANA [7] - 1732:1, 1733:11, 1733:12, 1736:1, 1736:2, 1736:6, 1736:14</p> <p>SHORT [1] - 1705:8</p> <p>SHORTING [1] - 1721:25</p> <p>SHOTS [1] - 1703:10</p> <p>SHOULDERS [2] - 1692:13, 1692:19</p> <p>SHOW [4] - 1689:19, 1690:14, 1760:21, 1762:21</p> <p>SHOWED [7] - 1657:15, 1658:11, 1662:10, 1666:9, 1673:11, 1683:3, 1690:12</p> <p>SHOWING [3] - 1687:20, 1688:1, 1751:21</p> <p>SHOWN [1] - 1639:1</p> <p>SHOWS [6] - 1690:2, 1744:11, 1744:15, 1744:16, 1760:23, 1762:10</p> <p>SIC [1] - 1717:15</p> <p>SIC [4] - 1674:7, 1737:4, 1752:21, 1756:3</p> <p>SIDE [12] - 1630:14, 1632:18, 1635:7, 1637:21, 1637:23, 1693:22, 1697:6, 1701:6, 1707:23, 1760:1, 1769:11</p> <p>SIGHT [1] - 1749:19</p> <p>SIGN [3] - 1649:9, 1649:21, 1748:20</p> <p>SIGNIFICANT [1] -</p>	<p>1635:7</p> <p>SILVER [9] - 1654:19, 1656:2, 1657:15, 1657:24, 1681:20, 1682:9, 1682:14, 1685:24</p> <p>SILVER-GRAY [1] - 1685:24</p> <p>SIMILAR [6] - 1642:23, 1643:7, 1643:17, 1692:25, 1693:4, 1703:16</p> <p>SIMPLE [1] - 1708:20</p> <p>SIMPLY [2] - 1637:20, 1648:4</p> <p>SINGLE [1] - 1759:13</p> <p>SISTER [19] - 1653:6, 1653:7, 1653:10, 1653:12, 1655:2, 1655:23, 1655:25, 1656:24, 1659:12, 1660:12, 1660:19, 1662:4, 1662:6, 1665:14, 1666:20, 1670:21, 1671:10, 1699:23, 1705:18</p> <p>SISTER'S [2] - 1665:24, 1670:1</p> <p>SISTER-IN-LAW [5] - 1655:23, 1655:25, 1662:4, 1662:6, 1670:21</p> <p>SIT [1] - 1707:21</p> <p>SITS [1] - 1753:12</p> <p>SITTING [3] - 1742:19, 1747:24, 1762:17</p> <p>SITUATION [2] - 1708:10, 1759:6</p> <p>SIX [8] - 1657:5, 1662:21, 1703:13, 1703:14, 1703:17, 1718:18, 1730:16, 1761:19</p> <p>SKILL [1] - 1639:22</p> <p>SLIDE [2] - 1718:5, 1718:6</p> <p>SMALL [4] - 1698:20, 1705:7, 1709:20, 1756:17</p> <p>SMALLER [1] - 1662:2</p> <p>SMOKE [1] - 1749:1</p> <p>SOBER [1] - 1703:14</p> <p>SOCIAL [1] - 1759:16</p> <p>SOCIALLY [2] - 1697:25, 1708:2</p> <p>SOLD [12] - 1654:8, 1658:19, 1658:23, 1659:19, 1659:21, 1659:22, 1661:24, 1662:2, 1679:16,</p>	<p>1704:4, 1713:5, 1751:16</p> <p>SOLE [3] - 1636:18, 1647:21, 1647:23</p> <p>SOLELY [3] - 1633:25, 1635:17, 1648:19</p> <p>SOMEONE [15] - 1639:1, 1645:8, 1721:7, 1728:1, 1728:5, 1728:6, 1728:14, 1729:5, 1729:6, 1729:7, 1731:17, 1733:11, 1758:5, 1762:17, 1766:18</p> <p>SOMETIME [2] - 1640:8, 1701:9</p> <p>SOMETIMES [8] - 1693:16, 1696:5, 1700:5, 1702:12, 1728:4, 1728:15</p> <p>SON'S [1] - 1733:13</p> <p>SOON [1] - 1772:8</p> <p>SORRY [1] - 1688:17</p> <p>SORT [7] - 1699:13, 1702:25, 1709:10, 1732:23, 1745:1, 1753:6, 1753:9</p> <p>SOUNDNESS [1] - 1640:5</p> <p>SOURCE [30] - 1652:23, 1653:16, 1653:19, 1654:9, 1656:18, 1657:22, 1660:25, 1663:4, 1664:18, 1665:9, 1665:11, 1666:19, 1668:8, 1669:15, 1671:23, 1676:10, 1681:8, 1681:16, 1698:15, 1704:20, 1707:6, 1707:9, 1708:13, 1709:4, 1709:7, 1723:16, 1729:10, 1739:18, 1739:19, 1747:18</p> <p>SOURCES [10] - 1652:19, 1652:22, 1654:7, 1671:16, 1672:5, 1709:1, 1747:7, 1747:16, 1755:5, 1759:22</p> <p>SOUTH [1] - 1705:19</p> <p>SPACE [1] - 1649:7</p> <p>SPAN [2] - 1694:11, 1705:10</p> <p>SPANISH [3] - 1643:20, 1644:3, 1744:1</p> <p>SPEAKER [4] -</p>
--	---	---	--	--

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1800

<p>1683:14, 1689:6, 1689:8, 1689:16</p> <p>SPEAKERS [3] - 1643:23, 1644:4, 1644:7</p> <p>SPEAKING [1] - 1691:4</p> <p>SPECIAL [4] - 1633:19, 1684:3, 1694:2, 1694:14</p> <p>SPECIALIZED [1] - 1639:20</p> <p>SPECIFIC [2] - 1633:12, 1758:21</p> <p>SPECIFICALLY [4] - 1644:5, 1691:21, 1696:20, 1704:10</p> <p>SPECULATE [1] - 1635:15</p> <p>SPECULATING [1] - 1745:3</p> <p>SPECULATION [1] - 1738:13</p> <p>SPEND [4] - 1694:11, 1697:5, 1697:15, 1709:14</p> <p>SPLIT [6] - 1630:18, 1663:17, 1669:18, 1669:23, 1671:4, 1676:13</p> <p>SPOKEN [1] - 1644:3</p> <p>SQUARELY [2] - 1692:13, 1692:18</p> <p>STACKED [1] - 1757:22</p> <p>STACKS [1] - 1695:25</p> <p>STAND [10] - 1690:8, 1697:1, 1728:21, 1733:16, 1733:21, 1734:25, 1737:9, 1738:7, 1741:2, 1769:17</p> <p>STANDARD [5] - 1692:10, 1727:6, 1727:11, 1727:13</p> <p>STANDING [1] - 1769:19</p> <p>STANDS [1] - 1649:17</p> <p>START [16] - 1668:15, 1672:11, 1678:5, 1680:19, 1683:10, 1685:18, 1685:19, 1692:3, 1695:17, 1708:8, 1711:17, 1711:18, 1743:22, 1760:1, 1765:12, 1765:24</p> <p>STARTED [72] - 1653:14, 1653:24, 1654:2, 1654:25,</p>	<p>1656:14, 1657:18, 1657:25, 1659:16, 1660:1, 1660:2, 1660:6, 1660:24, 1661:8, 1661:21, 1662:1, 1662:15, 1662:19, 1663:1, 1664:3, 1664:17, 1665:13, 1665:18, 1665:19, 1667:15, 1667:16, 1667:19, 1668:14, 1668:17, 1669:1, 1669:2, 1669:10, 1669:11, 1669:17, 1671:8, 1671:24, 1672:6, 1672:11, 1672:17, 1672:19, 1672:21, 1672:22, 1673:5, 1674:4, 1674:6, 1674:17, 1674:24, 1675:10, 1675:11, 1677:3, 1678:6, 1678:12, 1678:15, 1680:15, 1699:10, 1699:17, 1699:23, 1699:24, 1699:25, 1701:10, 1709:12, 1711:15, 1718:5, 1718:10, 1719:7, 1721:14, 1723:14, 1729:14, 1754:14, 1755:1</p> <p>STARTING [1] - 1712:8</p> <p>STASH [1] - 1654:14</p> <p>STASHED [2] - 1661:1, 1665:7</p> <p>STAT [1] - 1763:17</p> <p>STATE [9] - 1633:21, 1639:23, 1643:9, 1695:8, 1705:13, 1706:22, 1708:6, 1727:24, 1732:7</p> <p>STATEMENT [29] - 1641:6, 1641:10, 1641:11, 1641:17, 1641:18, 1651:24, 1691:14, 1707:25, 1711:1, 1718:23, 1719:21, 1719:22, 1720:18, 1727:18, 1738:4, 1738:21, 1739:20, 1740:22, 1743:3, 1745:5, 1745:9, 1774:4, 1774:5, 1774:7, 1774:8, 1774:10</p> <p>STATEMENTS [4] - 1635:4, 1695:16,</p>	<p>1706:5, 1763:13</p> <p>STATES [14] - 1627:1, 1627:6, 1644:25, 1645:5, 1645:6, 1645:7, 1645:10, 1653:1, 1730:23, 1737:22, 1746:11, 1747:4, 1751:11, 1761:15</p> <p>STATION [3] - 1659:11, 1682:16, 1686:12</p> <p>STAY [1] - 1733:7</p> <p>STAYING [2] - 1700:14, 1737:2</p> <p>STENOTYPE [1] - 1627:24</p> <p>STEP [1] - 1771:8</p> <p>STEPMOTHER [1] - 1664:10</p> <p>STEPMOTHER'S [1] - 1708:13</p> <p>STEWART [15] - 1660:4, 1660:6, 1664:11, 1666:6, 1668:13, 1698:11, 1698:12, 1698:13, 1699:18, 1700:19, 1704:14, 1705:16, 1705:20, 1706:15</p> <p>STICK [1] - 1728:4</p> <p>STILL [5] - 1668:19, 1678:7, 1704:5, 1705:19, 1754:20</p> <p>STOOP [1] - 1762:17</p> <p>STOP [6] - 1677:18, 1677:21, 1680:5, 1680:25, 1720:4</p> <p>STOPPED [4] - 1675:15, 1679:3, 1679:5, 1685:5</p> <p>STOPS [1] - 1716:16</p> <p>STORAGE [1] - 1684:18</p> <p>STORE [2] - 1670:6, 1762:18</p> <p>STORE/GAS [1] - 1682:16</p> <p>STORED [4] - 1663:24, 1666:9, 1688:21, 1688:23</p> <p>STORIES [1] - 1757:9</p> <p>STORY [8] - 1692:22, 1692:24, 1693:1, 1693:12, 1732:19, 1732:20, 1738:3</p> <p>STRAIGHT [1] - 1654:8</p> <p>STRAIGHT-OUT [1] - 1654:8</p>	<p>STRANGERS [1] - 1758:9</p> <p>STREET [15] - 1654:15, 1659:16, 1663:15, 1665:5, 1665:21, 1665:25, 1666:8, 1667:20, 1668:5, 1670:2, 1672:14, 1677:10, 1686:24, 1704:8, 1707:4</p> <p>STRESSFUL [2] - 1759:5, 1759:7</p> <p>STRICT [1] - 1634:14</p> <p>STRIKE [1] - 1651:12</p> <p>STRONG [1] - 1735:7</p> <p>STRUGGLING [1] - 1725:2</p> <p>STUFF [5] - 1678:22, 1683:5, 1706:22, 1722:24, 1739:25</p> <p>SUBMIT [3] - 1652:14, 1689:18, 1744:22</p> <p>SUBSEQUENT [1] - 1699:15</p> <p>SUBSEQUENTLY [9] - 1655:23, 1676:13, 1682:12, 1685:4, 1696:5, 1698:12, 1704:4, 1708:10, 1729:7</p> <p>SUBSTANCE [10] - 1645:2, 1645:17, 1646:1, 1648:6, 1650:21, 1650:25, 1651:3, 1768:21, 1769:1, 1769:8</p> <p>SUBSTANCES [1] - 1645:9</p> <p>SUBSTITUTE [2] - 1633:22, 1771:15</p> <p>SUCCEDED [1] - 1646:23</p> <p>SUCCESSFUL [1] - 1683:18</p> <p>SUDDEN [4] - 1714:2, 1730:2, 1730:4, 1730:7</p> <p>SUFFICIENT [8] - 1638:18, 1646:12, 1744:21, 1750:6, 1752:15, 1752:18, 1763:20, 1763:21</p> <p>SUGGEST [3] - 1636:24, 1740:24, 1765:25</p> <p>SUGGESTING [1] - 1742:6</p> <p>SUGGESTIONS [2] - 1756:5, 1762:2</p>	<p>SUIT [2] - 1702:5, 1703:12</p> <p>SUITE [3] - 1628:9, 1628:15, 1629:4</p> <p>SUMMER [2] - 1699:6, 1707:2</p> <p>SUPERSEDING [20] - 1638:8, 1640:7, 1640:14, 1640:18, 1642:24, 1643:2, 1643:6, 1643:10, 1643:13, 1644:15, 1644:18, 1644:21, 1645:18, 1646:19, 1650:2, 1650:6, 1650:18, 1768:17, 1768:23, 1769:5</p> <p>SUPPLIED [2] - 1665:17, 1673:22</p> <p>SUPPLIER [2] - 1682:19, 1739:6</p> <p>SUPPLIERS [2] - 1681:15, 1731:22</p> <p>SUPPLY [38] - 1652:19, 1652:23, 1653:17, 1653:19, 1654:7, 1654:9, 1656:19, 1657:22, 1660:25, 1663:4, 1664:19, 1665:9, 1665:11, 1666:14, 1666:19, 1668:8, 1669:15, 1671:16, 1671:23, 1672:5, 1673:25, 1676:10, 1681:8, 1681:16, 1698:15, 1704:20, 1707:6, 1707:9, 1708:13, 1709:1, 1709:4, 1709:7, 1747:7, 1747:16, 1747:18, 1755:6, 1759:22</p> <p>SUPPLYING [9] - 1662:20, 1666:14, 1672:7, 1673:23, 1674:5, 1681:11, 1704:23, 1704:24, 1758:8</p> <p>SUPPORT [2] - 1749:8, 1750:13</p> <p>SUPPORTED [1] - 1750:9</p> <p>SUPPORTING [1] - 1762:9</p> <p>SUPPOSE [1] - 1735:23</p> <p>SUPPOSED [9] - 1686:9, 1704:1, 1715:23, 1728:2,</p>
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TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1801

<p>1728:3, 1730:14, 1734:8, 1752:4, 1754:5 SUPPOSEDLY [3] - 1714:6, 1716:3, 1719:14 SUPPOSING [1] - 1737:18 SURGERY [1] - 1726:20 SURROUNDING [2] - 1641:17, 1642:12 SURVEILLANCE [15] - 1684:21, 1684:22, 1685:3, 1688:6, 1689:3, 1694:17, 1716:25, 1717:1, 1725:18, 1736:21, 1736:22, 1741:2, 1752:22, 1753:1 SURVIVE [1] - 1728:15 SUSPECT [3] - 1732:13, 1733:25, 1759:8 SUSPECTED [2] - 1667:21, 1734:4 SUSTAIN [1] - 1638:18 SUSTAINED [1] - 1635:13 SWIMMING [1] - 1728:4 SWITCHED [1] - 1675:25 SWITCHES [1] - 1741:21 SWORN [3] - 1633:17, 1635:3, 1763:17 SYMPATHY [2] - 1634:1, 1709:15 SYSTEM [2] - 1692:12, 1693:20</p>	<p>TEAM [1] - 1652:4 TECHNICAL [1] - 1639:20 TECHNICALITY [1] - 1748:8 TECHNOLOGICAL [1] - 1694:21 TELEPHONE [1] - 1729:7 TENDENCY [1] - 1732:15 TENDS [1] - 1750:13 TERM [4] - 1647:7, 1647:11, 1648:1, 1712:13 TERMS [2] - 1642:9, 1723:23 TEST [1] - 1669:19 TESTED [1] - 1679:12 TESTIFIED [50] - 1637:10, 1639:3, 1642:7, 1656:12, 1657:17, 1663:6, 1683:22, 1696:3, 1699:1, 1702:24, 1703:13, 1704:11, 1704:17, 1705:9, 1708:12, 1709:18, 1709:19, 1709:20, 1716:2, 1718:7, 1719:18, 1723:11, 1723:25, 1724:3, 1728:22, 1728:23, 1729:6, 1729:8, 1729:17, 1729:20, 1729:22, 1730:11, 1730:14, 1733:9, 1735:10, 1735:11, 1737:20, 1737:25, 1738:14, 1741:3, 1741:12, 1749:4, 1752:3, 1754:17, 1759:14, 1765:8 TESTIFIES [4] - 1719:7, 1719:10, 1730:4, 1750:15 TESTIFY [18] - 1634:10, 1639:23, 1705:7, 1705:13, 1715:7, 1723:13, 1724:1, 1739:7, 1756:10, 1756:19, 1757:1, 1757:4, 1757:19, 1757:21, 1758:4, 1758:5, 1759:7, 1762:4 TESTIFYING [5] - 1637:23, 1638:17, 1717:22, 1735:9, 1759:6</p>	<p>TESTIMONY [96] - 1635:3, 1635:17, 1635:25, 1636:7, 1636:20, 1636:21, 1636:23, 1637:13, 1637:14, 1637:17, 1638:5, 1638:17, 1638:19, 1638:22, 1638:23, 1639:1, 1639:5, 1639:7, 1639:8, 1639:9, 1640:2, 1640:3, 1642:1, 1642:18, 1644:9, 1652:17, 1652:18, 1654:6, 1654:21, 1661:6, 1662:11, 1666:2, 1670:1, 1670:11, 1673:1, 1678:4, 1678:17, 1683:9, 1690:1, 1690:23, 1691:6, 1692:16, 1694:19, 1698:2, 1702:7, 1713:9, 1715:14, 1715:15, 1716:9, 1718:3, 1718:7, 1718:16, 1721:8, 1721:22, 1722:6, 1725:22, 1725:24, 1726:9, 1726:11, 1726:12, 1726:14, 1726:18, 1727:5, 1728:25, 1730:3, 1730:6, 1731:3, 1734:11, 1735:5, 1735:14, 1735:18, 1740:13, 1740:14, 1740:16, 1740:17, 1740:21, 1741:5, 1741:6, 1750:3, 1750:4, 1750:12, 1750:13, 1755:7, 1756:8, 1758:19, 1758:20, 1758:21, 1758:25, 1760:10, 1760:16, 1762:6, 1762:8, 1762:12, 1763:9 TEXAS [13] - 1627:2, 1627:8, 1628:2, 1628:10, 1628:16, 1628:22, 1629:5, 1639:14, 1639:15, 1639:16, 1639:18, 1765:2, 1773:12 THEFT [1] - 1722:23 THEMSELVES [2] - 1646:17, 1706:21 THEREAFTER [1] - 1640:9</p>	<p>THEREBY [1] - 1647:6 THEREFORE [4] - 1634:22, 1726:4, 1748:24, 1761:16 THERMOSES [1] - 1687:7 THEY'VE [8] - 1714:22, 1718:1, 1719:19, 1724:2, 1724:16, 1726:23, 1747:7, 1762:17 THINKING [2] - 1720:16, 1759:14 THIRD [5] - 1645:21, 1651:10, 1651:16, 1705:15, 1728:9 THOUSAND [2] - 1746:15, 1746:17 THOUSANDS [1] - 1752:6 THREE [26] - 1650:20, 1659:17, 1660:8, 1660:18, 1660:20, 1662:14, 1669:2, 1671:2, 1671:3, 1674:22, 1675:21, 1676:14, 1676:21, 1676:25, 1679:17, 1693:13, 1699:4, 1699:11, 1704:16, 1706:15, 1706:24, 1711:23, 1737:25, 1755:10, 1770:11, 1770:22 THREE-FOURTHS [4] - 1660:18, 1660:20, 1699:4, 1699:11 THRESHOLD [1] - 1713:19 THREW [2] - 1689:10, 1763:2 THROUGHOUT [7] - 1691:22, 1691:25, 1692:14, 1693:10, 1694:23, 1701:23, 1707:2 THROW [4] - 1727:22, 1728:9, 1728:10 THROWS [1] - 1689:15 TIBBS [49] - 1654:3, 1660:4, 1660:9, 1660:10, 1662:19, 1662:23, 1664:23, 1666:6, 1668:12, 1670:6, 1671:21, 1672:7, 1672:9, 1673:5, 1673:8, 1673:16, 1674:24, 1674:25, 1675:7,</p>	<p>1680:17, 1698:7, 1698:8, 1698:10, 1699:18, 1702:12, 1702:14, 1704:14, 1705:1, 1705:4, 1705:14, 1706:3, 1706:6, 1706:8, 1706:15, 1707:10, 1714:5, 1714:15, 1716:22, 1717:20, 1717:24, 1719:15, 1721:4, 1721:17, 1721:20, 1726:21 TIE [1] - 1703:12 TIED [1] - 1719:22 TILE [1] - 1730:13 TIM [59] - 1662:4, 1662:5, 1662:8, 1662:9, 1662:13, 1670:10, 1670:12, 1670:15, 1670:21, 1672:25, 1673:2, 1673:6, 1673:20, 1673:22, 1673:24, 1673:25, 1674:3, 1674:4, 1674:6, 1674:7, 1674:9, 1674:19, 1674:21, 1674:23, 1675:13, 1675:18, 1675:19, 1677:18, 1677:21, 1678:2, 1678:4, 1678:10, 1678:12, 1678:15, 1678:23, 1678:25, 1679:2, 1679:9, 1679:21, 1679:23, 1680:5, 1680:8, 1680:9, 1680:15, 1680:19, 1680:22, 1711:17, 1714:2, 1714:3, 1714:4, 1715:11, 1715:13, 1717:4, 1718:24, 1719:1, 1719:12, 1723:7, 1723:16 TIMELINE [3] - 1717:7, 1719:4 TIMOTHY [18] - 1628:18, 1642:22, 1643:1, 1643:5, 1643:9, 1643:11, 1643:14, 1643:15, 1644:16, 1644:22, 1651:13, 1652:9, 1654:1, 1674:15, 1674:16, 1691:9, 1760:14, 1768:24 TIRE [1] - 1675:8 TITLE [4] - 1645:4,</p>
T				
<p>TABLE [5] - 1627:15, 1691:20, 1696:25, 1742:19, 1774:1 TACO [1] - 1659:10 TACTIC [1] - 1751:24 TALKS [6] - 1718:13, 1720:21, 1723:4, 1741:6, 1761:23, 1762:5 TAPE [3] - 1643:22, 1644:2, 1644:11 TAPED [1] - 1692:24 TASK [1] - 1757:10 TAVO [1] - 1747:4</p>				

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1802

<p>1645:5, 1645:7, 1752:5 TODAY [7] - 1691:19, 1691:24, 1692:12, 1704:6, 1761:17, 1765:15, 1766:18 TOGETHER [20] - 1646:4, 1647:2, 1667:20, 1675:1, 1675:5, 1679:25, 1680:19, 1693:7, 1697:25, 1698:1, 1698:2, 1712:6, 1714:5, 1721:11, 1745:11, 1764:8, 1764:9, 1764:10, 1766:25 TOMORROW [1] - 1766:18 TOPE [1] - 1744:2 TOOK [20] - 1629:14, 1634:2, 1665:19, 1671:6, 1671:8, 1672:20, 1674:6, 1679:5, 1685:21, 1686:22, 1686:23, 1694:8, 1715:24, 1733:15, 1733:25, 1737:17, 1741:2, 1762:24, 1763:2, 1763:17 TOOLS [5] - 1715:14, 1716:7, 1717:3, 1725:19, 1752:6 TOP [2] - 1683:4, 1757:22 TOTAL [5] - 1630:14, 1632:21, 1656:6, 1659:4, 1671:15 TOTALITY [3] - 1743:18, 1746:8 TOUCHED [1] - 1762:14 TRACEY [1] - 1628:6 TRAFFIC [2] - 1716:16, 1720:4 TRAFFICKER [1] - 1707:7 TRAFFICKING [3] - 1730:9, 1739:24, 1740:7 TRAIL [3] - 1690:19, 1748:7, 1748:25 TRAILS [4] - 1691:7, 1715:5, 1715:8, 1748:4 TRAINING [2] - 1639:23, 1641:14 TRANSACTION [1] - 1751:15</p>	<p>TRANSACTION [7] - 1648:7, 1705:22, 1712:10, 1713:6, 1714:8, 1745:17, 1751:9 TRANSACTIONS [5] - 1659:11, 1695:5, 1746:23, 1746:24, 1756:11 TRANSCRIPT [13] - 1627:11, 1627:25, 1643:20, 1643:23, 1643:25, 1644:6, 1644:10, 1644:13, 1741:25, 1743:25, 1744:1, 1773:4 TRANSCRIPTION [2] - 1627:25, 1741:16 TRANSFER [2] - 1648:5, 1714:14 TRANSFERRED [1] - 1655:23 TRANSLATION [1] - 1643:20 TRANSPORT [1] - 1659:13 TRANSPORTATION [1] - 1678:1 TRANSPORTED [3] - 1659:14, 1696:14, 1751:15 TRANSPORTING [2] - 1746:2, 1761:12 TRAP [12] - 1655:18, 1655:21, 1657:16, 1682:1, 1682:3, 1682:15, 1682:22, 1684:24, 1686:23, 1689:9, 1689:14 TRASH [3] - 1716:9, 1716:10 TRAVEL [2] - 1678:15, 1756:17 TRAVELED [2] - 1662:13, 1686:7 TRAVELING [9] - 1654:3, 1662:4, 1662:11, 1662:15, 1662:19, 1675:1, 1676:19, 1678:12, 1680:19 TREAT [1] - 1714:20 TREATMENT [1] - 1641:15 TREY [40] - 1654:3, 1660:3, 1660:9, 1660:10, 1662:19, 1662:23, 1664:23, 1666:5, 1668:12, 1670:6, 1671:21,</p>	<p>1672:7, 1672:9, 1673:5, 1673:8, 1673:16, 1674:23, 1674:25, 1675:7, 1680:17, 1698:7, 1698:8, 1698:10, 1699:17, 1702:12, 1702:13, 1702:14, 1704:13, 1705:1, 1705:4, 1706:3, 1706:8, 1706:15, 1707:10, 1716:22, 1721:4, 1721:20, 1726:21 TRIAL [29] - 1627:11, 1633:2, 1633:4, 1633:6, 1634:10, 1635:3, 1635:13, 1635:19, 1635:22, 1639:9, 1640:17, 1640:20, 1641:20, 1643:16, 1691:25, 1692:20, 1694:23, 1699:22, 1702:8, 1711:15, 1715:24, 1717:11, 1731:1, 1742:17, 1745:11, 1746:14, 1755:16, 1770:21, 1772:21 TRIALS [1] - 1693:13 TRIED [2] - 1683:16, 1697:2 TRIES [1] - 1709:3 TRIP [2] - 1678:9, 1736:2 TRIPS [1] - 1674:11 TROUBLE [1] - 1690:18 TRUCK [11] - 1654:19, 1656:2, 1657:15, 1657:24, 1661:14, 1681:20, 1682:9, 1682:14, 1685:25 TRUE [2] - 1636:17, 1724:15 TRUST [2] - 1733:10, 1733:11 TRUTH [20] - 1637:3, 1706:4, 1715:6, 1716:15, 1722:15, 1724:11, 1724:12, 1724:13, 1725:1, 1725:11, 1734:16, 1734:18, 1734:24, 1757:16, 1757:17, 1759:10 TRY [11] - 1631:5, 1697:17, 1709:7, 1711:5, 1713:12, 1716:13, 1725:2,</p>	<p>1728:7, 1728:9, 1732:23, 1759:17 TRYING [12] - 1683:17, 1690:18, 1707:22, 1716:23, 1720:4, 1722:24, 1726:20, 1733:4, 1735:24, 1740:2, 1740:3, 1742:22 TURN [5] - 1652:6, 1693:23, 1743:8, 1748:21 TURNED [1] - 1693:1 TURNING [1] - 1754:13 TV [1] - 1752:1 TWICE [5] - 1657:6, 1658:9, 1660:10, 1684:8, 1687:17 TWO [56] - 1631:1, 1631:7, 1631:16, 1633:3, 1645:14, 1646:3, 1647:12, 1647:23, 1652:19, 1656:23, 1659:2, 1659:3, 1659:17, 1659:23, 1660:8, 1661:4, 1663:6, 1663:21, 1668:9, 1669:1, 1669:2, 1671:16, 1672:7, 1673:7, 1674:21, 1675:21, 1675:24, 1676:14, 1676:21, 1676:25, 1688:14, 1688:15, 1692:24, 1704:13, 1705:8, 1705:9, 1705:10, 1705:23, 1706:9, 1708:14, 1710:17, 1712:1, 1718:18, 1721:20, 1723:19, 1741:7, 1745:7, 1749:13, 1755:23, 1759:2, 1759:3 TWO-MINUTE [3] - 1631:1, 1631:7, 1631:16 TWO-MONTH [3] - 1705:10, 1705:23, 1706:9 TYPE [2] - 1712:4, 1756:18 TYPEWRITTEN [1] - 1643:20</p>	<p>1628:8, 1770:24, 1773:10 UA [2] - 1679:14, 1705:11 ULTIMATE [1] - 1749:5 UNABLE [1] - 1682:6 UNANIMOUS [5] - 1648:9, 1649:6, 1649:18, 1650:9, 1768:11 UNAVAILABLE [3] - 1665:4, 1685:16, 1701:17 UNBEKNOWNST [1] - 1721:6 UNDER [6] - 1641:11, 1641:15, 1707:8, 1736:22, 1757:1, 1770:24 UNDERCOVER [1] - 1694:16 UNDOUBTEDLY [3] - 1693:17, 1694:23, 1697:12 UNEMPLOYED [1] - 1667:22 UNFORTUNATELY [1] - 1735:3 UNINTENTIONALLY [1] - 1728:17 UNION [1] - 1733:22 UNITED [14] - 1627:1, 1627:6, 1644:25, 1645:4, 1645:6, 1645:7, 1645:9, 1653:1, 1730:23, 1737:22, 1746:11, 1747:3, 1751:11, 1761:15 UNKNOWN [1] - 1644:25 UNLAWFUL [7] - 1645:19, 1645:22, 1646:4, 1646:8, 1646:10, 1646:23, 1712:3 UNLESS [9] - 1638:22, 1639:7, 1711:18, 1726:11, 1726:15, 1729:2, 1740:17, 1767:1, 1767:2 UNRELIABLE [2] - 1644:14, 1706:19 UNSUCCESSFUL [1] - 1683:17 UNSUPPORTED [11] - 1638:21, 1639:7, 1726:11, 1726:14,</p>
--	---	--	--	---

U

U.S. [6] - 1627:19,
1628:2, 1628:7,

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1803

1740:16, 1740:20,
1750:9, 1750:11,
1762:6, 1762:9,
1762:12

UNTRUTHFUL [1] -
1710:1

UP [152] - 1632:22,
1637:19, 1640:9,
1648:18, 1653:12,
1653:14, 1653:24,
1654:12, 1654:23,
1655:13, 1655:16,
1656:11, 1656:13,
1657:2, 1657:3,
1658:7, 1660:3,
1663:8, 1664:12,
1665:19, 1667:3,
1667:9, 1667:24,
1668:14, 1668:21,
1670:7, 1670:9,
1671:1, 1671:7,
1672:10, 1674:3,
1674:18, 1674:23,
1675:4, 1675:20,
1677:9, 1677:19,
1677:20, 1678:24,
1679:1, 1681:13,
1681:21, 1682:6,
1682:8, 1682:11,
1682:14, 1682:19,
1683:8, 1684:21,
1685:10, 1685:11,
1685:12, 1685:13,
1685:15, 1685:17,
1685:20, 1685:25,
1686:11, 1686:14,
1686:19, 1688:6,
1688:13, 1688:15,
1690:21, 1692:8,
1692:12, 1692:23,
1693:21, 1694:8,
1695:7, 1696:17,
1697:1, 1697:6,
1698:1, 1699:5,
1699:6, 1699:8,
1700:1, 1700:22,
1701:11, 1701:25,
1702:1, 1702:7,
1702:11, 1702:15,
1702:21, 1703:5,
1703:7, 1703:8,
1703:12, 1703:15,
1703:23, 1703:25,
1707:16, 1707:22,
1708:10, 1708:23,
1709:1, 1709:4,
1709:6, 1709:19,
1709:20, 1711:25,
1713:2, 1714:2,
1715:5, 1718:5,
1718:24, 1719:1,

1723:1, 1724:8,
1725:3, 1728:20,
1729:20, 1729:25,
1732:20, 1732:21,
1732:23, 1735:3,
1735:7, 1736:3,
1736:20, 1736:24,
1738:7, 1739:13,
1741:4, 1741:12,
1744:4, 1745:6,
1745:14, 1745:15,
1747:4, 1749:14,
1749:20, 1749:21,
1749:24, 1750:19,
1753:16, 1755:11,
1759:8, 1759:10,
1759:22, 1760:11,
1761:14, 1761:19,
1770:8

UPSTAIRS [3] -

1684:2, 1688:21,
1734:13

URBINA [16] -

1654:10, 1655:15,
1656:9, 1656:14,
1657:5, 1657:7,
1658:5, 1696:21,
1696:24, 1697:3,
1697:12, 1697:14,
1717:16, 1735:11,
1735:14

USER [4] - 1666:12,
1673:21, 1707:24,
1722:23

USERS [1] - 1724:5

USES [1] - 1722:8

UTILIZE [3] - 1707:15,
1715:16, 1725:19

UTILIZED [3] -
1661:11, 1681:20,
1717:3

V

VACANT [1] - 1670:5

VALUABLE [1] -
1724:23

VALUE [2] - 1720:18,
1724:23

VAN [3] - 1659:6,
1665:15, 1671:12

VARIOUS [3] -
1637:25, 1667:23,
1677:18

VEGA [101] - 1629:1,
1630:4, 1644:17,
1644:23, 1651:14,
1652:9, 1652:25,
1654:22, 1664:7,
1681:12, 1681:13,

1681:15, 1681:16,
1681:21, 1682:5,
1682:8, 1682:10,
1682:14, 1682:18,
1683:6, 1683:12,
1683:15, 1683:25,
1684:5, 1684:6,
1684:12, 1684:16,
1684:22, 1685:4,
1685:5, 1685:17,
1686:7, 1686:8,
1686:10, 1686:15,
1686:19, 1687:4,
1687:9, 1687:10,
1687:12, 1687:24,
1688:3, 1688:9,
1688:10, 1688:20,
1689:1, 1689:2,
1689:4, 1689:5,
1689:8, 1691:9,
1727:18, 1730:3,
1730:12, 1730:17,
1731:4, 1731:11,
1732:2, 1732:3,
1732:6, 1732:15,
1732:19, 1733:1,
1734:21, 1735:4,
1735:19, 1736:7,
1736:13, 1736:19,
1737:7, 1738:1,
1739:9, 1739:18,
1739:21, 1739:22,
1740:9, 1740:20,
1740:23, 1741:3,
1741:7, 1741:10,
1742:4, 1742:7,
1742:10, 1742:12,
1742:16, 1743:22,
1744:4, 1747:9,
1747:11, 1747:23,
1754:1, 1761:18,
1762:13, 1762:21,
1763:16, 1769:5,
1769:8, 1772:7,
1774:9

VEGA'S [10] -

1682:21, 1684:21,
1684:25, 1686:22,
1688:6, 1689:12,
1689:18, 1737:3,
1752:24

VEHICLE [9] -

1675:19, 1678:1,
1681:24, 1685:4,
1689:14, 1689:15,
1753:22, 1753:23,
1753:24

VEHICLES [1] -

1662:17

VENDETTA [2] -

1745:1, 1763:15

VERDICT [28] -

1629:13, 1633:8,
1633:25, 1635:16,
1637:20, 1638:18,
1641:4, 1646:2,
1648:8, 1648:9,
1648:11, 1648:21,
1649:4, 1649:9,
1649:18, 1649:20,
1649:21, 1649:23,
1764:22, 1766:17,
1767:18, 1768:1,
1768:5, 1768:11,
1768:13, 1768:16,
1769:15, 1769:16

**VERDICT-OF-THE-
JURY** [1] - 1646:2

VERSACE [1] -

1695:25

VERSIONS [1] -

1692:24

VIDEO [3] - 1694:17,

1720:7, 1731:16

VIDEOTAPE [1] -

1720:4

VIEW [1] - 1738:24

VIOLATION [4] -

1645:4, 1645:5,
1645:9, 1718:9

VISIBILITY [1] -

1642:10

VISIT [1] - 1771:8

VISITATION [1] -

1707:20

VOIR [6] - 1692:5,

1692:15, 1743:14,
1744:18, 1747:17,
1755:23

VOLITION [1] - 1708:7

VOLUME [1] - 1627:13

VOLUNTARILY [2] -

1641:8, 1647:9

VOLUNTEERS [2] -

1684:17, 1688:3

VOTED [2] - 1769:16,
1769:17

VS [1] - 1627:7

W

WAIT [3] - 1678:22,

1738:16, 1754:5

WAITING [2] - 1658:2,
1771:5

WALK [1] - 1697:6

WALKS [1] - 1682:18

WALMART [1] -

1678:21

WANTS [19] -

1679:16, 1687:16,

1687:17, 1700:20,
1714:20, 1717:23,
1718:20, 1725:1,
1729:11, 1734:22,
1736:17, 1736:18,
1741:20, 1744:25,
1747:15, 1758:4,
1758:8, 1758:9,
1767:17

WARNING [5] -

1631:1, 1631:7,
1631:16, 1631:20,
1631:24

WARRANT [6] -

1683:1, 1683:18,
1687:2, 1716:11,
1736:23, 1737:4

WARRANTS [4] -

1715:22, 1725:17,
1752:13

WASTED [2] - 1708:9

WATCHES [2] -

1695:25

WATER [5] - 1673:17,

1675:6, 1728:1,
1728:13, 1728:18

WAYS [2] - 1714:7,

1720:1

WEB [1] - 1653:15

WEDNESDAY [1] -

1628:1

WEEK [25] - 1658:9,

1659:3, 1659:17,
1660:8, 1660:10,
1661:2, 1661:4,
1661:10, 1662:21,
1662:22, 1669:3,
1675:21, 1676:3,
1676:15, 1676:21,
1676:25, 1701:11,
1715:24, 1717:11,
1718:9, 1722:8,
1722:12, 1722:20,
1765:16, 1769:23

WEEKLY [1] - 1659:23

WEIGH [1] - 1674:18

WEIGHED [7] -

1638:20, 1639:4,
1666:7, 1666:8,
1726:10, 1740:15

WEIGHING [4] -

1666:24, 1668:6,
1670:4, 1674:17

WEIGHT [7] - 1636:11,

1636:19, 1638:18,
1640:4, 1641:11,
1648:19, 1702:1

WEIRD [1] - 1732:25

WELL-

ESTABLISHED [1] -

TRIAL TRANSCRIPT, VOLUME 7 OF 7, DECEMBER 12, 2012

1804

1708:3 WEST [1] - 1705:18 WESTBERG [2] - 1768:7, 1771:10 WESTERN [1] - 1733:22 WHALEN [20] - 1628:19, 1629:22, 1631:18, 1631:19, 1632:15, 1651:8, 1710:13, 1710:25, 1711:2, 1727:16, 1730:20, 1748:5, 1752:20, 1752:22, 1754:13, 1755:18, 1769:12, 1772:2, 1772:13, 1772:14 WHATABURGER [2] - 1668:25, 1669:5 WHATSOEVER [1] - 1641:19 WHEELS [1] - 1652:6 WHITE [2] - 1661:13, 1661:14 WHOLE [5] - 1676:2, 1689:13, 1717:12, 1725:11, 1729:16 WIFE [20] - 1660:15, 1662:7, 1664:24, 1664:25, 1684:14, 1687:13, 1696:2, 1697:24, 1701:14, 1708:2, 1709:17, 1720:8, 1733:7, 1733:8, 1733:10, 1734:22, 1737:1, 1737:2, 1744:8, 1763:11 WIFE'S [2] - 1684:13, 1686:24 WILLFULLY [1] - 1645:22 WILLING [3] - 1634:23, 1721:2, 1726:5 WILLINGNESS [1] - 1744:16 WING [1] - 1701:5 WIRE [4] - 1733:14, 1733:17, 1733:20, 1736:1 WIRETAPS [3] - 1694:16, 1715:15 WIRING [3] - 1733:15, 1733:23, 1734:4 WISDOM [1] - 1633:20 WISH [1] - 1638:3 WITHROW [1] - 1717:17 WITNESS [35] -	1635:15, 1636:19, 1637:2, 1637:4, 1637:6, 1637:8, 1637:9, 1637:11, 1637:16, 1637:18, 1637:19, 1638:1, 1638:18, 1639:3, 1639:7, 1639:22, 1639:25, 1642:2, 1642:4, 1642:5, 1642:6, 1642:8, 1642:10, 1642:14, 1642:16, 1695:2, 1710:7, 1719:24, 1725:22, 1725:24, 1726:14, 1728:21, 1737:24, 1759:13 WITNESS'S [6] - 1636:20, 1637:13, 1638:2, 1638:4, 1640:4, 1718:16 WITNESSES [41] - 1633:12, 1635:4, 1636:21, 1637:14, 1637:21, 1637:23, 1637:24, 1638:7, 1639:5, 1639:19, 1652:17, 1652:18, 1690:6, 1690:17, 1690:18, 1691:25, 1693:3, 1693:11, 1693:21, 1694:2, 1709:25, 1717:12, 1717:13, 1723:5, 1724:2, 1724:25, 1726:7, 1726:19, 1733:15, 1737:24, 1747:6, 1754:16, 1755:7, 1755:19, 1761:24, 1762:1, 1763:24, 1763:25, 1764:15, 1765:17 WOMANIZER [1] - 1728:23 WOMEN [1] - 1741:8 WORD [3] - 1647:7, 1712:16, 1744:13 WORDED [1] - 1758:2 WORDS [1] - 1636:2 WORKER [2] - 1677:13, 1730:13 WORKERS [5] - 1655:6, 1655:20, 1681:24, 1730:12, 1759:24 WORTH [2] - 1746:14, 1746:17 WRAPPED [2] - 1692:23, 1699:25 WRITE [2] - 1649:6,	1649:11 WRITING [1] - 1649:13 WRITTEN [1] - 1739:20 Y YEAR [2] - 1685:9, 1736:12 YEARS [7] - 1666:13, 1697:13, 1708:19, 1727:23, 1730:10, 1759:2, 1759:3 YESTERDAY [3] - 1630:13, 1742:3, 1771:4 YOUNG [1] - 1723:19 YOURSELF [8] - 1630:24, 1636:24, 1648:14, 1710:2, 1715:1, 1724:18, 1727:4, 1757:23
--	---	---